TECHE
UDINE

MANOSCRITTI

FONDO PRINCIPALE

Manoscritto n. **P_MSS_1032_I**

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I

Dalla Porta
Olderico

Scritture legali
e
di famiglia

1032

Olderico dalla Porta

Processo e Atti di Lite

della Regola di Valle di Cadore contro alcuni

di detto luogo.

BIBLIOTECA CIVICA DI UDINE

Ill.mo S.r S.r Col.mo,

La mag.ca Regola, et Università di Valli ha, et si trova havere certa lite con m.r Toldo cregola di Val del Senere come nell'informatione, che si manda cō questo à piedi à V.S. Ill.ma; si compiacerà legere l'informatione, et poi lo processo, avisando che la comparsa, et termine sarà per sabbo venr. p.s. sarano li 16, corrente. La Regola per questo suo primo termine per il fattor generale manda à V.S. Ill.ma del suo patrimonio una doppia, et gli raccomanda la causa, et riverentemente bacia le mani.

Di Valli li 13, 8bre 1555.

Di V.S. Ill.ma Serva

La Regola di Valli fece univers.,

[illegible]

Nel Nome de Xpo Amen, l'Anno della sua Natività 1555, 13.ª
Ind.ne, giorno de Dominica li 18, de Luglio in Valle di
Cad.e nella Piazza de S. Martin di Valle Luogo ordinario
essendo veduta, et considerata la m.ca Regula et Università
di d.to Luoco di Valle comandata secondo la solita consuetudine
in Sagrato dopo la celebratione della S.ta Messa de ordine
de m. Iacomo Filion suo Attual Marigo, et delli suoi Laudadori
per provveder alli cose necessarie, et che fano bisogno
per la d.ta m.ca Regula, et in particular per causa, et
occasione per le due cause, et lite di essa Regula
una co m.ro Tuddo Ongula, l'Altra co s. Vicenzo Girardes
suoi Regolieri del sud.to Luoco, quali cause sono state
spedite qui in Cad.e dal m.to Ill.e, et Ecc.mo, et sono state
ambedue appellate, una a favor della Regula, l'altra
contra la medema come nelli atti, etc., dopo le qual
Appellationi, et cause fatto longo, et maturo discorso,
et ragionamento di far provisione di dinari per l'
occasione sud.ta, et de mandar Nuncio, et Procurator
a posta a far tratar, Agitar, et spedir esse due
cause, et lite dall'Ill.mo, et Ecc.mo S.r Luogotenente
finalmente posto parte da esso Marigo, et suoi Laudadori
che sia datto Autt.à a essi Marigo, et Laudadori de
ritrovar dinari per via de livello per spender per

Le sud.te

le sudt.e cause, et lite, al present per la summa de ducati 25, et più, se farà bisogno per l'avenire et obligar in generale li beni di essa m.ca Regula, per esso livello: et parimente stante li ragionamenti, et discorso fatto in d.a Regula, che siano elletti, et deputati esso Alanigo à dover andar à Udene contro li sudt.i litiganti à far spedir essa lite in appellatione dalli Ill.mo et Ecc.mo S.r Luogotenente co' auttorità di far tutto quello, che farà bisogno per d.e cause; et messa à balle, et ballotata la parte furono à favor di quella balle n.o 53., in contrario niuna.,

Bernard.o ... mi Lod.o Zuliano della m.ca Regula

[illegible] Bernardinus [illegible] sub.tus [illegible]

[illegible]

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ent,
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ll
[illegible]

Ill.mo S.r S.r [illegible]

Qu. Mag.ca Repub.ca [illegible]
[illegible] informatione [illegible] essa [illegible]
[illegible]
in [illegible] Ecc. [illegible] nomi [illegible]
[illegible]
[illegible] Ill.ma [illegible] Ecc.ma.

Qu. Mag.ca Repub.ca [illegible]
[illegible] V. S. Ill.ma [illegible] Ecc. [illegible]
[illegible] tanto per occasion
[illegible]:

Qu. Mag.ca Repub.ca [illegible] sua [illegible]
[illegible]
et Ecc.ma mantenervi quanto si contiene
nella sua informatione à V. S. Ill.ma
Ecc.ma mandata [illegible]
[illegible] che il ferro delli Lavezi de libera
[illegible]
[illegible] tutte le ferrame [illegible]

in ferro

La [illegible] che [illegible]

[illegible] per la [illegible], che [illegible] fatto in questi.

[illegible] della Regina [illegible]

a V. S. Ill.ma [illegible]

[illegible] a [illegible]

[illegible], et adempire, et adempirà [illegible]

[illegible]. Avvisando a V. S. Ill.ma et Ecc.ma

[illegible] la parte [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1655.

Di V. S. Ill.ma et Ecc.ma

La Regina [illegible]

affirma

[illegible]

[illegible]

[illegible]

[illegible]

Ill.mo et Ecc.mo Sig.re et Prone Col.mo

Il messo di questo publico di Valle è stato impetuosamente [illegible] [illegible],
et confidato nella generosità di V. S. Ill.ma di supplicarla del seguente favore per [illegible] à
[illegible], ancorche non [illegible] alcun merito seco; et maggiormente mi son confidato
dell'affetto, che so' portava al q. sud. Ill.mo Sig.r [illegible] Cons.re et però all'Ill.mo Sig.r
Capitan Bernt. suo fratello [illegible] [illegible] Cognati, [illegible] il favore [illegible]
attorno nella propria sua persona. Le dirò adunque succintamente, come già
due anni essendo Messo di questo sp. Regim.to di Valle [illegible] da me [illegible] [illegible]
deputati di questo publico fatto [illegible] accomodamento tra questo Reg.to et [illegible]
Cons.o di Valle per il raccoglimento l'aggiado, ò Terminazione ne [illegible] di questo
publico, [illegible] tanza di Lizzo all'anno, et fù notificato [illegible]
Regole; [illegible] [illegible] [illegible] di [illegible] pagati [illegible] tanza; et non [illegible]
[illegible] [illegible], [illegible] di Valle [illegible], et [illegible] tutto a [illegible] di [illegible]
[illegible] [illegible] [illegible]; [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible]; [illegible] Reg.to di Valle, né il Cons.o [illegible] [illegible]
[illegible] [illegible] al fine; et [illegible] Reg.to di Valle, [illegible] V. S. Ill.ma et Ecc.ma [illegible]
beneficio di detto accomodamento, ò pace, et [illegible] nel [illegible] et [illegible]
fatto non è stata [illegible], [illegible], nè [illegible] nel [illegible]
di [illegible] detti Deputati;
[illegible] Sig.r [illegible] Cons.o [illegible] la copia di detta [illegible], ò pace, et
[illegible] [illegible] giudicio [illegible] il Sig.r [illegible] [illegible]
[illegible] [illegible] Andrea Cons.o, et [illegible] non [illegible],
[illegible]; [illegible] [illegible] [illegible] [illegible]; [illegible]
[illegible]: et [illegible] [illegible] [illegible] il detto Cons.o; et [illegible] non [illegible]
fù [illegible] per [illegible] [illegible] il [illegible] [illegible]
la mia persona, et le [illegible] [illegible] [illegible] il Sig.r [illegible]
Cons.o et l'[illegible], et [illegible] [illegible] [illegible]: [illegible] la mia [illegible]:
[illegible] [illegible] il [illegible] di [illegible], [illegible], et [illegible] [illegible]
[illegible] [illegible] detto Cons.o [illegible] [illegible]
di [illegible]: [illegible] [illegible] [illegible] [illegible] per [illegible]
[illegible] [illegible] [illegible] detta [illegible] [illegible] [illegible] V. S. Ill.ma
i [illegible]; [illegible] [illegible] [illegible] di [illegible] [illegible] [illegible]: io
Vicario [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]: io
[illegible] i [illegible] [illegible] di pagare le spese [illegible] [illegible]

... travagliare, ne essere trascurato ... fatti seguiti già di anni in Roma, et non vi è chi ne habbi memoria, onde ... in questa Vicendevolezza si perde in confusione ... moltiplicità de' fatti; et à pena il giorno dopo resta memoria de' tutti li seguiti; non che l'anni dui, et più.

Havendo inoltre, et havendo fatte diligenze in parte, ò sospetto ... tutto in sospetto, et potessero essere subornati da molti quelli ... ò da' consoli ... per altro non potessero essere ... : onde facevo ricorso à V. S. [illegible] et Ecc.ma ... con ogni efficacia ... et facevo bisogno ... il servizio delle sue fondazioni; ... il Consiglio ... è stato ... et nelle ... Regole, ne il Consiglio non vogliono beneficio.

Dovendo, et havendo ... Vicario, et io so pagato le mercedi delle ... ma l'ho fatto ... di parole, et ... no il sig. Vic.rio ... nella ... del sig. Consigliere ..., et ne ... et ... seguita la ... delle ... ; et per questo io so' pagato le spese; et non ...

Nel ... io ho ... quello è seguito in ..., et io non ho alcuna ..., et l'... mi è ... et la giustitia ... : ... l'... dell' ... alle ... et potessero essere subornati ... tanti seguiti già ... anni ...

Confido nell'... et ... di V. S. Ill.ma et Ecc.ma et ... il ... et ... in questi luoghi, et ... ; ... il ... et ... ; ... di V. S. Ill.ma et Ecc.ma ... d'ogni ... grandezza, ... Serv.re; ...

Cadore. 13 ottobre. 1655.

Mi perdoni V. S. Ill.ma et Ecc.ma ...
... et ... Serv.re Humil.mo:
... di ... fugo

Di V. S. Ill.ma et Ecc.ma

Baldissera Galelli.

uni in
confutt
; nert

pellino
ne
Oltra
ttli

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d'alla

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una
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ma
li

mj

[illegible] anni [illegible] grado.
[illegible] anni
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] nuova, et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] in anno.
Nel 1652. [illegible] in [illegible]
[illegible] nuova, et [illegible]
[illegible] et dimando
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] del S.r Baldissera [illegible]

et [illegible] in [illegible] della sud.ta [illegible] et intelletto

de [illegible] S.r Baldissera [illegible]

una [illegible]

di [illegible] che [illegible]

[illegible] et [illegible]

dello [illegible] che [illegible]

[illegible]

[illegible] l'anno della [illegible]

[illegible] et [illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

che [illegible] et [illegible]

[illegible]

che [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] mandar per occasione del [illegible] [illegible] [illegible]
[illegible] in altro indirizzo [illegible]. [illegible] dimanda [illegible]
[illegible] 4 Febraro [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] esso [illegible] [illegible]. [illegible] di questi [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] bella vista de [illegible], et de [illegible]
[illegible] di [illegible] levar in quella [illegible] [illegible], et di
[illegible] [illegible] con [illegible] di [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] in [illegible].

[illegible] [illegible] [illegible] intesa [illegible], et [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] et che [illegible] [illegible] [illegible] in
[illegible] esso [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], et [illegible]
[illegible] esso [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] di levar [illegible] [illegible]
[illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] per, mentre in
[illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible].

[illegible] et è stato risposto [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible] [illegible] [illegible] amadisera
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de quel
[illegible] [illegible] interpellatione.
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], et [illegible]
di questo [illegible] [illegible] tempo, et da [illegible] anni
[illegible] [illegible] quelle [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] di [illegible] [illegible]
et di [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] a [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] di [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] di quelle [illegible] [illegible] [illegible] [illegible]
a [illegible] interpellatione [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] nella [illegible] [illegible] [illegible] et
[illegible] [illegible] esse interpellatione [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible], et con
[illegible].
[illegible] [illegible] respender. et [illegible] non [illegible]

respender.

[illegible] tenuto [illegible]
et [illegible] attenendo [illegible]
che [illegible] [illegible] dalli [illegible] che [illegible]
[illegible] che non [illegible] far [illegible], et co
[illegible] ancora [illegible]
[illegible] una bel [illegible] l'affinar[illegible]
[illegible] di ferma [illegible] et [illegible]
[illegible], et [illegible] di [illegible]
una de certo [illegible] Boschi de [illegible]
[illegible] et il 3.° [illegible]
[illegible] da m.r [illegible] Boschi
di [illegible], et de [illegible], et insieme
una [illegible] da [illegible] di anni
[illegible] etc.,

Fu [illegible] che [illegible] non
[illegible] non [illegible]
[illegible] interessi delli [illegible], et [illegible] non [illegible]
[illegible] de [illegible]
li beni privati di privati [illegible]
[illegible] permutar, o vender, che
[illegible] non [illegible] che
[illegible] perche [illegible]

[illegible] havevamo, che sia [illegible] è bene
interpellatione conforme a' [illegible] statuti, con
reserva di [illegible] a' favor della Regola [illegible]
statuto [illegible] che no si puo aquistar [illegible] delli beni
[illegible] et di usar' altre [illegible]
[illegible] et esecutione di causa
Ecc.mo S.r [illegible] con desordine [illegible], et
licentiato il d.o [illegible] dalla [illegible]
Regola confirmando [illegible] di esso [illegible]
spese
La Regola se ne ha sentito aggravata, ha interposto
appellatione alla d.ta sentenza [illegible] con desordine, senza
[illegible] che siano intitolati, et
aspettate le ragioni del merito dalla Regola, benche
la Regola [illegible] le sue interpellationi, pretesa
[illegible] delli altri [illegible]
[illegible] caso [illegible]
[illegible] statuto [illegible]
beni publici [illegible] Regola [illegible]
all'essame delli [illegible], che è [illegible], et
[illegible] in quella parte che [illegible], et affermato [illegible]
[illegible]

[illegible]

in altre vigne di detta Regaria oltre la vigna detti [illegible],
havendo [illegible] espresso nominatamente, [illegible], et falsità, stante
la quale resta dettunto, et bugiardo [illegible]
detti Testimonij.

Attesochè trovisi del [illegible] di mala fede, non havendo
mai [illegible] detta Regaria [illegible] [illegible] [illegible]
[illegible] delle raggioni di quella, essendo la Regaria
[illegible] [illegible] vigna, [illegible] di quella, potendo
distenersi [illegible] della medesima vigna nelli suoi [illegible]
et delli [illegible] di quella à modo suo, [illegible],
[illegible], et [illegible] tutto quello [illegible] detta Regaria
[illegible] [illegible] essendo [illegible]
la Regaria [illegible] della vigna, et delli
[illegible], et il [illegible] si faccia possessor di quello [illegible]
altri detti terreni.

Il p.mo [illegible] spedizione [illegible] dal [illegible], et venissinto
in [illegible] contro lui, [illegible] si vede da quello, [illegible]
il [illegible] è [illegible] di fare la [illegible], et
[illegible] [illegible] [illegible]

Il 2do [illegible] dal [illegible] del secondo [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] della Regaria [illegible], per
[illegible] haver [illegible] [illegible] eccettione

[illegible]

[illegible] Regula de [illegible].

la [illegible] [illegible] della [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] delle raggioni di [illegible] [illegible], et [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], ne [illegible] [illegible] per [illegible] [illegible] [illegible] di [illegible].
[illegible] [illegible] [illegible] [illegible] anni 30 non [illegible] di [illegible] [illegible]
[illegible] et Regule, [illegible] [illegible] [illegible] [illegible] di [illegible] [illegible].
che non hanno [illegible] ne [illegible] alcuna.

essendo stata spedita la causa in merito [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] le raggioni della [illegible],
contro il [illegible] [illegible] [illegible] [illegible] di [illegible] [illegible] [illegible]
che [illegible] [illegible] di merito [illegible] che [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] di [illegible] [illegible] deve
esser remessa [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible] deve esser [illegible] simpliciter [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] perche la [illegible] in [illegible] [illegible], et in
[illegible] [illegible] [illegible] [illegible] molte altre sue raggioni et far
[illegible] le sue allegationi in iure avanti che sia [illegible],
[illegible] causa in merito, non havendo ancora la [illegible] [illegible]
le sue raggioni [illegible] [illegible] [illegible] intende [illegible]. però sarà
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
remesso la causa in [illegible] à poter usar le sue raggioni.

[illegible] de [illegible] [illegible] 17,

[illegible] quia si aliquis fuerint interrogamus in [illegible],

[illegible] [illegible]

ne facto, quod non admittitur ad deliberandum, sed in [illegible] a' banche, vel' o' loco ubi fuerit interrogatus tenetur respondere, interrogatus [illegible] de alieno facto admittitur ad deliberandum [illegible] [illegible] respondere potest [illegible] [illegible] vel a' Vicario, vel officiali quod [illegible], et habent [illegible] confesso.

[illegible]

[illegible] non è mai comparso in [illegible] per [illegible] Ricardo [illegible], [illegible] non [illegible], et [illegible]

[illegible] che [illegible] venir a' [illegible] in persona a' defender la causa [illegible]

[illegible] siano [illegible] partecip.

[illegible]

Regola di Valle

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Examinato [illegible] Jacobo [illegible]
[illegible] capitolo [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] mia [illegible]
[illegible]
[illegible]
[illegible]
Examinato [illegible]
[illegible] capitolo [illegible]
[illegible] capitolo [illegible]
[illegible]
[illegible]
[illegible] alcuno [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Examinato [illegible]
[illegible] capitolo [illegible]

[illegible] bestiam[i], [illegible] lettere [illegible]
[illegible] pelli, [illegible]
Int.[illegible] per causa [illegible] [illegible] per
ciò [illegible] [illegible] campo de [illegible] pilo [illegible]
me hanno [illegible] hanno levato li [illegible], et li
hanno portati doue ha piaciuto à loro, et hic sunt .
A [illegible] in [illegible] et ho detto la [illegible]

hic [illegible]

Examinatus [illegible]
[illegible] respondit, [illegible] del [illegible]
[illegible], salvo che [illegible] officio [illegible]
campo di [illegible] nel quale io non [illegible]
mai stato, ma [illegible] mia figlia [illegible]
[illegible] fratelli [illegible]
hanno [illegible] ~~[illegible]~~ [illegible], et per quanto
mi ha detto [illegible] loro, et hic [illegible]
Int.[illegible] causa [illegible], et io [illegible] ciò
inteso dalla detta mia figlia
A [illegible] di Valle, mi ho detto la [illegible]
quanto [illegible]

hic [illegible] et loco;

[illegible]
[illegible]
[illegible] fratelli [illegible]
per tutto [illegible]
[illegible]
[illegible] causa [illegible] fratelli [illegible]
[illegible] et [illegible]

[illegible]
[illegible] valcau[illegible] della, [illegible]
[illegible]

[illegible]

Die 26 [illegible]

[illegible] risposta. [illegible] capitolo [illegible] lettere [illegible]
[illegible]

[illegible]

Die 26 Gennaio [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Io: Paulus Constp. Vallis Cad.i Pub.s
Ven. Auct. Apost. & Ss. Ser.i Const.
[illegible] ex ill.mo [illegible] invenit
[illegible] authentico exemplavit, et in
fidem se subscripsit

Franciscus Vigronus [illegible] Vicarius

[illegible]

[illegible] qui [illegible], et [illegible]

[illegible], [illegible] verum, ac [illegible]
[illegible], cuius [illegible] [illegible] plena [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]
unam; et [illegible] [illegible], [illegible]
interposite parte istoz a sanctitate [illegible]
9. [illegible] prox. decursi qua una cum [illegible]
introducto sub die [illegible]. [illegible] enim [illegible]
in eiusdem [illegible] eiusdem [illegible]
[illegible] cum [illegible]
[illegible] quam [illegible]
[illegible] et considerans. [illegible]
[illegible] omni
[illegible], quo [illegible] modo [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible] eiusdem [illegible]
[illegible] de [illegible]
[illegible]
[illegible]
[illegible] cum [illegible]
[illegible]
[illegible] et [illegible]
[illegible]

[illegible]

[illegible] [illegible] [illegible] 1559

[illegible]

[illegible] man.[illegible] Ex.[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fuit [illegible] per me [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] suo [illegible] Renati, et non [illegible] Ex.[illegible] Deciano suo [illegible] [illegible] [illegible] contrincante [illegible] [illegible] et Exc.[illegible] [illegible] Alexandro [illegible] et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

Ill.mi et Ecc.mi miei Sig.ri oss.mi

L'Ecc.mo [illegible] Sig.r [illegible] credo [illegible] causa della
m.ta [illegible] abbandonare [illegible]
[illegible] a [illegible] e qui erano
stati admessi in quelle [illegible] a [illegible] ordinare
[illegible] admesse le [illegible] rimandando
le Parti all' off.o di [illegible] honora [illegible]
il che si come riesce con manifesto [illegible]
così mi necessita a dire le mie ragioni; che
sarebbero certo d'appellarla; imperoche [illegible]
il loro Statuto, et la [illegible] de [illegible]
[illegible], no [illegible], ne devevano questi [illegible]
[illegible] per altro che continuare [illegible]
[illegible] nella difesa della causa [illegible] tutto
[illegible] io poiché per sostenere la loro ragione come
vedranno dalle mie alleg.ni; et [illegible] è certo
[illegible]
che con questo [illegible] vengono [illegible]
[illegible]

[illegible] cosa, io sarei bene tanti
[illegible]
il Prado degli Aventarij entro li confini
già [illegible] l'anno 1595, che
[illegible] tutte le Posizioni [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 21 Giugno 1656

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

de quib. hodie utrumque geritur: Usus
[illegible] sequitur consuetudo, sed [illegible]
[illegible]
[illegible]
[illegible]
[illegible] causa iusta, et necessaria
[illegible]
[illegible]
[illegible]
[illegible] necessaria [illegible]
[illegible]
[illegible]
[illegible]
[illegible] vetando, et iustitiam
[illegible]
[illegible] in omnibus [illegible] moderamin
[illegible]
[illegible] 391 n.o 8, [illegible] 14 n.o [illegible]
[illegible]
[illegible] 82 [illegible] 18 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] [illegible] ... [illegible] Martini a [illegible] ...

[illegible] [illegible] ... [illegible] ...

[illegible] ... instans hoc ponat in [illegible] [illegible] ...

[illegible] unus [illegible] non enim agitur hic

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] dies et [illegible] [illegible] ...

[illegible] profecto [illegible] [illegible] tanta [illegible]

[illegible] ... [illegible] ...

tamen [illegible] non [illegible] in [illegible] ...

[illegible] ... [illegible] ...

hic [illegible] ... [illegible] ...

et [illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] quae [illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] habemus [illegible] ... [illegible] ...

[illegible]

[illegible] in Romano [illegible]

[illegible]

[illegible]

[illegible] prudentia dixerit. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] enim [illegible]

[illegible] etiam [illegible]

[illegible] nobis deduci et nobili

[illegible] in Romam! [illegible]

[illegible] annotatam [illegible]

[illegible]

[illegible] commanda[illegible]

[illegible] in [illegible]ionem deduc[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ut habent [illegible]

[illegible] in dividendo et commercis [illegible]
[illegible] eodem [illegible]

Et [illegible] rationabilis et
[illegible] irrationabilis [illegible]
consuetudinem [illegible]
[illegible] lib. [illegible] n. 15 [illegible]
[illegible] Idem testatur Ruin. in mo
tract. de contract. [illegible] 61.

Et [illegible]
suetudinem [illegible] ratione initiatum
et ratione [illegible] Ruin. in
[illegible] de contract. [illegible]
[illegible] ratione initiatum et ratione
continuatur [illegible]
[illegible] rationabiliter [illegible]
[illegible]
[illegible]
[illegible] vel illo
contratur [illegible]
[illegible] rationabili [illegible]
[illegible]
[illegible]
[illegible]
Balb. dec. 409 [illegible] totum

[illegible] damnum [illegible] [illegible]
[illegible] [illegible] et [illegible]
[illegible] ut [illegible] [illegible]
[illegible] damnum resarcire [illegible]
[illegible] sed [illegible]
um damnum [illegible] [illegible]
cuique est notum [illegible] resarciri de damnis [illegible]
[illegible] Viaco [illegible] ac ne [illegible]
fiant providendum, ut [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] tam Dominantis [illegible]
[illegible] publica [illegible]
[illegible] et necessitatis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] damnum [illegible]
[illegible] namque nunc in [illegible] tam [illegible]
[illegible]
[illegible]
[illegible] cum [illegible]

Rubrica et dubitationem [illegible] [illegible] quod-
[illegible] aspectu
[illegible]
[illegible] consuetudinis [illegible] indicij
ante in [illegible] discussi, et [illegible]
[illegible] [illegible]endum [illegible]
[illegible]
[illegible]
[illegible] in hoc de hius [illegible] ipso [illegible]
[illegible] ad assertum [illegible]
[illegible] modo [illegible]
[illegible]andum

[illegible]

[illegible] antichi [illegible]
[illegible] andare [illegible]
[illegible] già [illegible] hà freno

[illegible]

[illegible]
[illegible]
[illegible]

[illegible] 62 [illegible]

[illegible]
[illegible] regola e [illegible]
[illegible]

Non è mai stato sazato danno

nè mai il davaria

[illegible]

uel male, [illegible]

[illegible] tanto [illegible]

[illegible] ab alijs [illegible]

[illegible] 66 [illegible]

[illegible]

[illegible] 46

[illegible]

[illegible] Antonij de Via, qui est unus de Brescia [illegible]

[illegible]

[illegible] Iustitia [illegible] dictum [illegible] [illegible] cognoscatur, hominis istos non [illegible] sed [illegible] [illegible] [illegible] autem quia [illegible] [illegible] [illegible] tantas summas addiderit [illegible] [illegible] tamen istum esse admittere non [illegible]

[illegible]

[illegible]

[illegible] ... [illegible] ... redilegio ... [illegible] comp ... [illegible]

ex ... 23 [illegible]

[illegible]

... ecum ... [illegible] ...

... consumerint ...

... [illegible] ... evitanda ... examinatur parte contraria ...

... [illegible] ...

... [illegible] ...

... [illegible] ...

... Antonius ... ones in ...

... [illegible] ... nota.

... [illegible] ...

... eorum à ratione ...

... [illegible] ...

... [illegible] Cod. de ...

... [illegible] ... 70

... testis ... ratio abest ... non concludi

nec etiam ... probat ...

dicatur

[illegible] nella [illegible]

[illegible] mina [illegible]

[illegible] 5 [illegible] 6 [illegible]

[illegible] al [illegible]

[illegible]

[illegible]

[illegible] regula, [illegible]

[illegible] assumuntur [illegible] 5. [illegible] l. omnis

[illegible] notare doctores

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in toto [illegible] parte

[illegible] quando [illegible]

[illegible]

[illegible] quando [illegible]

[illegible]

[illegible]

[illegible]

[illegible] communi [illegible]

[illegible]

quando [illegible]

[illegible]

[illegible]

nemo enim alii ius ... sed
eius rerum curari omni suo ... nulli
...
... adorni
...
...
... causa pluries
... ita ...
... communem, cum ... in hac
...
... premissa
...
...
...
... de ... nº 13,
...
...
... ita placuit ... glos. in L. ... causa ... in casu ...
... commune ...
... commune habere ius ...
...
...
... nec etiam alicuius ... et hoc
...

[illegible] alii in eam, [illegible]

[illegible] Unde [illegible]

[illegible] dixit Prudens

Non [illegible] etiam [illegible]

[illegible], quae fecit, ~~[illegible]~~, [illegible]

[illegible]

non [illegible] quod [illegible]

[illegible] terra [illegible]

[illegible]

[illegible] modo damnum [illegible]

[illegible] &c

[illegible]

[illegible] turbatione

[illegible]

[illegible] et

[illegible] ~~[illegible]~~, illum non

[illegible]

[illegible] causa [illegible]

[illegible] non animo

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] causa [illegible]

[illegible] infertur [illegible]

[illegible] nostro, ubi invenimus, et [illegible]

[illegible] die ad veram [illegible]

[illegible]

[illegible] maxime [illegible]

Si [illegible] sit [illegible] [illegible] [illegible] vicarat [illegible] [illegible]

[illegible] hoc ius [illegible] [illegible] [illegible] [illegible] [illegible] ius [illegible]

[illegible] ad [illegible] omnis, [illegible] [illegible] [illegible] in [illegible]

[illegible] tamen [illegible] Proconsulis [illegible] ad civilia [illegible] [illegible]

ut [illegible] petetur

absq [illegible] [illegible] [illegible] [illegible] [illegible] hoc est [illegible]

[illegible] Histricor. praetori et [illegible] [illegible] ff de Iurisd. [illegible] sive [illegible]

magistratibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

contractuum pactorum et [illegible] [illegible] similiter ad iudice

[illegible] [illegible] [illegible] [illegible]. ut [illegible] [illegible]

[illegible], [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] innuit [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible], ita ut [illegible] intelligi [illegible] ut absq [illegible]

haec omnia [illegible], hoc est [illegible] [illegible] [illegible] [illegible]

[illegible], sunt enim [illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible] [illegible] rationi [illegible] [illegible] [illegible]

[illegible] in [illegible] [illegible] [illegible] natura [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et sic

[illegible] [illegible] [illegible] [illegible] [illegible]

summa [illegible] [illegible] [illegible] [illegible] [illegible] sunt

[illegible] [illegible] nominatur [illegible]

obstare

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] titulata [illegible] [illegible] dicitur [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

practicus ... prima benedictio

et ~~tale~~ aliter hoc iud. ... procuranti, duplex insurgit

damnum ~~per quod~~ ... statim ... pars partim

dominus ... ex capite ... alteri ...

~~patientiam~~ ... magis magis ... danti ...

usque ... ad ... omni ...

Valentinus ... quia ... in toto ius ...

amittunt ... modo ... curat ... partitur

... contra ... laborando, et ...

... insidias ... destructivas ...

quibus ... indicant ... prudentia

... appareat ... ex eo ...

... in ... provident ...

nullo partis ... tradita ...

et ... ipse.

[illegible]
[illegible] in [illegible] adimmit [illegible]
[illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible]
ne [illegible] iniuriam [illegible]
particularis persona

Tandem Additio seq[ue]ntium pro dictoru[m] ac deductoru[m] conclusioni inseruiat

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

> [illegible]
> [illegible]
> [illegible]
> [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ~~[illegible]~~ [illegible] domestici [illegible] et familiares

admittuntur

~~[illegible]~~ [illegible] 17

~~[illegible]~~

~~[illegible]~~ et sigfures [illegible]

[illegible]

~~[illegible]~~, est rex cotundus

tando a limitis in consensu [illegible]

[illegible] familiares et alias inhabiles admitt

[illegible]

[illegible] tunc [illegible]

[illegible]

[illegible] administratur

[illegible] ad [illegible]

[illegible]

Multa, imo Nulla sunt Sententia ex.mi

D. [illegible] Cadubrij lata sub die 2.

Januarij proxime preteriti contra m.cos

Sententiam superioris Comelici, et ad vita

m.ca Centuriae Inferioris, uti [illegible]

ipse erat in dicti executioni [illegible]

[illegible] ex.mi et ex.mi Convocatoris

et Proclamatis [illegible]

sunt, et opposuit [illegible], [illegible] Cognitionis [illegible] excelsi

[illegible] excedendo [illegible] indicant

~~et~~ [illegible] revocandos m.cos

m.ca Centuriae [illegible] sunt ~~[illegible]~~

~~[illegible]~~ mandando [illegible]

[illegible] Senatu

in [illegible]

[illegible]

[illegible] in [illegible] Convocatoriationis

et Proclamatis [illegible] ordinarie

Quod sibi minime potuit seu debuit

tas et initus quinittis et eis aliis et processu restitutionis, hisse ... ex temporis ... et deducendis ... causas ... quod ... eis ... integraliter ... ex causis in allegationibus ... Unde ... ad ... debent primitias solventes

... et ... eadem die prolata pro ... et solutione rate ... die ... liquidum ... causas ... beneficiariis ... Unde ... ex ... debent ...

exactione, [illegible] redigi ad [illegible]
Recollecte, quod esse omnino [illegible].
[illegible] . . . [illegible] [illegible] [illegible]

Et [illegible] [illegible] acri [illegible] dicto tempore [illegible]
et instat [illegible] [illegible] [illegible] modo ex [illegible]
[illegible] [illegible] itidem [illegible] [illegible] tempore consequi
indicatur ~~[illegible]~~ [illegible] ad [illegible] [illegible],
[illegible] die 2 maij 1654 [illegible] [illegible].
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] ne [illegible] [illegible]
auctoritate de [illegible], et [illegible] [illegible] [illegible] 28
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] id [illegible] [illegible] potuerit [illegible] [illegible] nec [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ne [illegible] se [illegible] [illegible]
[illegible] [illegible] obiationis ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible] esse [illegible], et
[illegible] [illegible] [illegible] die [illegible] [illegible] [illegible] in
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ex [illegible] [illegible] [illegible] [illegible] habere [illegible]
Et [illegible] decreto, [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] consequenter
[illegible] [illegible] modo [illegible] [illegible]

tas ex unitis limittis, et ex alijs
ex Diocesi Constantiensi. huius

[illegible] deducendis. [illegible]

[illegible] integraliter [illegible] maxime variari [illegible]

in allegatis [illegible] magis [illegible]

[illegible]

[illegible]

[illegible]

prelatis pro [illegible]

[illegible]

die acceptationis [illegible]

Rata limittis [illegible]

[illegible] et [illegible]

[illegible] unde [illegible]

[illegible]

exactione, tiq. redigi ad terminos

[illegible], quod est omnino [illegible].

Sicut n. dicas [illegible] [illegible]

exigerent fructus dicti temporis [illegible]

annis ita [illegible] modo ex [illegible]

in [illegible] [illegible] tempore consequi

est conueniens, cum [illegible] [illegible],

et soluant [illegible] [illegible];

Neq. in exactione ~~[illegible]~~ [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] 28

[illegible] cum quia [illegible] [illegible] [illegible] [illegible];

Tum et [illegible] [illegible] nec [illegible]

[illegible] [illegible] manifest[illegible] [illegible]

Quandoquidem [illegible] [illegible] [illegible] [illegible]

~~[illegible] [illegible] [illegible]~~ [illegible]

[illegible] [illegible] est [illegible], et

[illegible] [illegible] cum [illegible] in

et ipse [illegible] cautus fuit ~~[illegible]~~ et est ad [illegible] [illegible] ~~[illegible]~~ — soluendi centum [illegible] [illegible].

Inde ~~[illegible]~~ [illegible] [illegible] habet amplius

in fructibus istis [illegible] consequens

[illegible] nullo modo [illegible] [illegible]

Item intentionem in creatione

Propterea [illegible] intentionibus [illegible]
[illegible] [illegible] ~~[illegible]~~ [illegible] et
annullari [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in

[illegible] [illegible] decem [illegible] quod
[illegible] voluntates [illegible] [illegible]
[illegible] [illegible] ad omnes [illegible]
et [illegible] intentionem [illegible] [illegible]
[illegible] [illegible] ne recte,
atque integre [illegible] ~~[illegible]~~ [illegible]
et [illegible] [illegible] [illegible]
Item quod [illegible] voluntates [illegible] [illegible]
[illegible] regulari [illegible] ad
[illegible] [illegible] [illegible]
[illegible]

Quodque tandem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] solemnitate [illegible] [illegible]
[illegible] alio [illegible] modo [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] antea [illegible] [illegible]

1

(Delegationes)

Not. et Exmi. Dni. Bartholomaei Adami de Pleve canonici, etc.

Noti. Laurentius Mattis

[illegible]

Visto [illegible] Ill.mo Sig.r Dr. Adami adimanda [illegible]

a confermatione del suo m.to del Mag.co Consolato de [illegible]

[illegible] et dall'altra [illegible] et Avocato dell'Heredi [illegible]

Sig.r Giuseppe [illegible] sotto [illegible] della [illegible] adimanda [illegible]

[illegible] del mod.mo [illegible] ragioni dette [illegible]

dette dall'una, et l'altra parte [illegible]

pronontiando [illegible] dechiarando [illegible]

del prefatto Sig.r Dr. dove corre di presente et ordinariamente [illegible]

[illegible] non impedisca [illegible]

il risarcimento della sua [illegible] dar [illegible] con giuramento

[illegible] delli [illegible] et Medici [illegible] quella lavorare

[illegible] con dechiaratione però che essa acqua [illegible]

[illegible] impedisca il pred.to lavoro, possa esser [illegible]

[illegible] dal prefatto Sig.r Dr. Adami [illegible] a tanto che [illegible]

[illegible] farà conoscere chiara et apertamente, che il suo

Canale sia libero, et non obligato in alcun modo a lasciar passar

[illegible] beneficio della [illegible] delli predetti Sig.ri Heredi

[illegible] otteni [illegible] Heredi altro Canale [illegible]

[illegible] dall'[illegible] conferma il

m.to [illegible]

le parti [illegible]

[illegible]

[illegible]

dal Canal [illegible] [illegible] allo [illegible] [illegible]

[illegible] K.r [illegible]; ma i [illegible] della [illegible] nova, [illegible] che
nell'avvenata [illegible] non havenno alcuna parte fatti [illegible],
dette ragioni in casa [illegible], l'Ecc.mo [illegible] potere [illegible] nel nostro
Canal rimessa; a che dovendosi [illegible], [illegible] esso Ecc.mo [illegible] K.r nell [illegible]
[illegible] accomodatione praticato, [illegible]. Per
tanto [illegible] il Magistrato nostro, la cui mente è, che ciascun
nel [illegible] commandando a ciascuni [illegible]
[illegible] stati [illegible] della [illegible] nova [illegible] pennare [illegible]
parte alla fabrica del Canal [illegible] applicata, [illegible] parte all'[illegible]
condanna, che [illegible] nei [illegible] qualche [illegible]
[illegible]
[illegible]
[illegible] Canal [illegible]
saluti [illegible]

([illegible])

Loco [illegible] [illegible]

[illegible]

[illegible]

[illegible] Sig.r mio [illegible]

[illegible] di [illegible]
[illegible] [illegible] [illegible]
et dell'altra [illegible]
mi capitorono [illegible]
[illegible] delle [illegible]
da me [illegible] giorni [illegible]
[illegible] Confaloni [illegible]
[illegible]
[illegible]
[illegible]
[illegible] li [illegible] [illegible] a questi [illegible]
[illegible]
[illegible]
nell' [illegible] [illegible] e così [illegible]
[illegible], et [illegible]
[illegible]
quasi [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in [illegible] et [illegible]

[illegible] interessi [illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

[illegible] Sig.ra [illegible]

[illegible]

[illegible] ... [illegible]

[illegible]

[illegible] s'infalcorono

d'alcuna d'esse, qual'uno seguendo ... [illegible]

[illegible] Sig.ra [illegible]

al [illegible] altra [illegible] ... ma [illegible]

[illegible] il [illegible] esclusione [illegible]

[illegible] d'altro [illegible] ... al [illegible]

[illegible]

[illegible] acqua [illegible]

[illegible] acciò la [illegible]

[illegible]

[illegible] senza [illegible]

[illegible]

[illegible] ma il [illegible] padroni [illegible] Sig.ra

[illegible] alcuna [illegible]

[illegible] il [illegible]

Sig.ra [illegible] la detta acqua [illegible] la [illegible] il [illegible]

[illegible] gran [illegible]

[illegible] casa [illegible]

[illegible] l'acqua [illegible]

[illegible]

[illegible]

[illegible]

[illegible] detti [illegible] uscita che è [illegible] alla Seriola de sopra all' [illegible] che à [illegible] la [illegible] con [illegible] e la [illegible] [illegible] s'[illegible] alla [illegible] [illegible] [illegible]

[illegible] considerationi la prohibi con [illegible] penale [illegible] la detta Seriola [illegible] facci nel detto [illegible] d'acqua nel detto canal [illegible] impedir [illegible] il lavoro [illegible] parendo à l'[illegible] [illegible] capitolo alla dechiaratione [illegible] [illegible] à V. Ecc.za dalla quali [illegible] per [illegible] [illegible] parte [illegible] [illegible] nel [illegible] presente [illegible] mai far [illegible]

2.[illegible] [illegible] [illegible] parte [illegible] [illegible] canal [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] mercanti [illegible] condurabbi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible]

Di più il Cavalr già contradice sta risposta in ponto per rendere [illegible] a [illegible] [illegible] non rimetterò [illegible] [illegible] [illegible] [illegible] d'ambo le parti et à V. Ecc.ma [illegible] significo con [illegible] come di quanto sarà sopra [illegible] da che vorrei assumermi con il Piacere [illegible] V. Ecc.a di continuo [illegible]

Già hai [illegible] V. Ecc.a la [illegible] [illegible]

[illegible]

[illegible] osservato la dechiaratione [illegible]
fatta [illegible] nella risposta [illegible]
[illegible] formata [illegible]
[illegible]
[illegible] e la forma [illegible]
[illegible] una [illegible] conser[illegible]
[illegible] parer [illegible]
[illegible]
[illegible]
[illegible] anche [illegible]
Canale fornito passa la detta acqua [illegible]
Haveva [illegible] al fine d'[illegible]
[illegible]
[illegible] un altro Canale [illegible]
[illegible] passa [illegible]
[illegible] per certificarmi [illegible]
[illegible] circa il canale [illegible] inconvenienti [illegible]
[illegible] per il quale [illegible]
[illegible] il [illegible] contenuti [illegible]
[illegible]

Quaestio est inter Nob. et Ex.mi [illegible] ex una, et Nobb. Dnos Heredes [illegible] ex alia.

Numquid Alvens Manufactus quo aucunt [illegible] Aquae [illegible], et ducunt in [illegible] dicarum Dnorum, debeat communibus expensis [illegible] eorum, [illegible] [illegible] regi [illegible] manu[illegible] [illegible] ad [illegible] [illegible] [illegible] die 22 maij [illegible] [illegible] nec [illegible] dicti Dni [illegible], vel Particularibus eiusdem [illegible] [illegible] heredes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Et [illegible] quid [illegible] [illegible] dicendo [illegible] obligari [illegible] possint [illegible] [illegible] [illegible] manutentione [illegible] [illegible] ex [illegible];

[illegible] ipse Successerunt in [illegible] Nob. Dni [illegible] [illegible] [illegible] [illegible] [illegible] modo contendentium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] expensas ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 5.

[illegible] quia [illegible] Heredes Particularibus [illegible] [illegible] [illegible] incomodo [illegible] [illegible] [illegible] [illegible] [illegible] Dni [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

tum etiam quia ad [illegible] id fuit pro his
indicat[illegible] a Rev.do D.no Vicario Cadubrij; unde
pro illius esse deveniendum &c.

His tamen ex limitibus minime obstantibus dico
et concludo, Haeredes Iacobos damnari debere
ad expensas occurrentes pro manutentione, et
refectione Fluminis seu extrahendi aquae ex
Flumine Boite usque quo tenentur ad illas
[illegible], in omnibus iuxta expositionem contentam
in [illegible] 22 maij de[illegible] allegata.

Ut non constat ex toto Processu [illegible] liber
[illegible], et [illegible] aquaed Publicum [illegible]
expensis Publicis manuteneri debeat [illegible] Flor.
in L. [illegible] ff. de [illegible]: [illegible];
sed loquitur de Aqua Privata fluente [illegible]
manufacto [illegible] Publicum [illegible]
[illegible] [illegible] inferioribus, quod
superioribus servitutem;

Se[illegible] [illegible] in omnibus limitibus
refectio, et expensae tam in manutenendo Flumen
quam in reficiendo [illegible], et Ripas [illegible]
[illegible] quia [illegible] [illegible] attenuta
[illegible] aut ad eas [illegible] [illegible] in [illegible]
[illegible] oneris ferendi [illegible]
[illegible] [illegible] [illegible] [illegible] &c.

q.ᵘ cum haeredes Iacobi habeant sleccam inferiorem
usque ad decursum slecam aquae, eorundem
manufactam decurrentis, nec possint dicere
quominus ad dictam eandem sleccam [illegible] ubique
proportionabiliter teneantur ad manutentionem
et refectionem aggerum ripae dicti fluminis manufacti
et purgationem ipsius, ut § 2. slecae inferioris
in illam dicti tenentur manutenere ipsam aquam
sine slecciis slecae inferiori, ut supra firmiani
itaut eveniente casu quod inferior aquam
abduceret aggeres et ripae [illegible] [illegible]
haeredes Iacobi aquam possent unitam [illegible]
reducere et alios ut aqua sibi remittatur
sine expensis. Cum hoc sit secundare tantummodo
in slecciis oneris ferendi; aggeres dicti
tenentur simul et omnes ex dicti slecam
inferiorem ad manutentionem aggerum et fluminis
purgationem, ad omnes in omnibus aquaeductus
manufacti, per quos aquae fluunt ad eandem
slecam, teneantur proportionabiliter ad expensas
refectionis, purgationis et manutentionis
fluminis [illegible] recepti [illegible] eandem slecam
ergo debent ad manutentionem aggerum
ripam et ad purgationem aquaeductus in
omnibus ut in dicta scriptura; quoniam dicti aggeres

impedirent debebant utique et ipsi incommodi
privationis aquarum sentire, nec eis alio competere
contra Antiquos possessores, ne reficerent, quod incommodum
aquarum fluentium ad eorum [illegible] latere volunt
debent, et [illegible] suo [illegible] [illegible] sine,
quae fuit quod antiquis in reparatione, et [illegible] ablatione
Aggerum, et ripparum fluminis ubi aquae extrahuntur
ex Flumine Boite, et ducuntur [illegible] [illegible] in
omnibus ut videtur scriptura facta ad maiorem
et clariorem expositionem, et declarationem Instantiae
eiusdem Domini Adami, quae scriptura nec mutat
actionem, nec illam corrigit, sed eam declarat,
Intimatio vero eiusdem Domini Adami die 26 [illegible] 1629
quae est in [illegible] [illegible] [illegible] talis est

Si intima ut [illegible] [illegible] Pettamanton...
[illegible] [illegible] [illegible] [illegible] [illegible] de' Pesaro
che debba continuar all'accomodar
del Canal, che conduce l'acqua
alle [illegible] [illegible]

[illegible] aut 22 Maij

[illegible] continuare alle spese che si fanno
nella Rotta nel Canal l'acqua dal Fiume
Boite, la introdusse nell'Alveo [illegible]
[illegible] [illegible], et nel Canale che conduce
l'acqua [illegible] [illegible] [illegible].

Unde est idem in [illegible], [illegible] [illegible] [illegible] [illegible]

Vlterius excedendo, ex dispositione Iuris [illegible]
[illegible] ex Iuris regentibus dictam Leviandam cognovit
Unde cum in materiis causae se tenui non valet,
ad exceptionem declinatoriam Fori confugere
debuerit, ut legitur in ipsius responsione, quae
sub Cotto abbreviat in [illegible] [illegible] [illegible]
[illegible] [illegible], quod ~~[illegible]~~ declarat intentionem
Agentis quod fieri potest in qualibet Parte
Iudicij;

Nec obstant modo in contrarium adducta, et primo
ad obstant Primum Fundamentum.

Quoniam Licet q. nob. D. Senna commisisset ad
expensas [illegible] tu nunc [illegible] [illegible], non
[illegible] [illegible] ~~[illegible]~~ inde [illegible] inferre [illegible]
in [illegible] inferiori [illegible] tracta [illegible] contra
Tertios Possessores [illegible] inferioris non possent
extendere contributionem [illegible] quoniam non ex
[illegible] neque ex Privilegio fuit exemptus ad
[illegible] [illegible] tenet [illegible] ad Tertios
Possessores [illegible] [illegible] [illegible] Senna [illegible]
facto retinuit, quod huius dispositio impugnare
[illegible] ut [illegible] [illegible], [illegible] [illegible]
quia secta inferior Parcis ab hinc annis
fuit contracta; Unde non obstat, cum
[illegible] [illegible] sibi non [illegible], nec
[illegible] potuerit Iuris [illegible] [illegible]
supra [illegible]; Unde [illegible] [illegible]

neq Privilegium extet, nec Praedecessoris [illegible]
[illegible] possint Cum Haeredes Jacobi [illegible] tandem
[illegible] hujus regulae alteri [illegible] alterum
iniqua conditio [illegible] inferri [illegible]
in constituendis [illegible] in officio [illegible]
Fundam[ento].

Prout nec [illegible] quae D. Adamus se declaravit velle
refectionem [illegible] omnia [illegible] usq[ue] quo durant
aquis, ad Uecas [illegible], [illegible] ipse Proprijs
[illegible] actionem [illegible] qua

Ad denique Tertium quoniam [illegible] [illegible]
tamen quando [illegible] cognoscitur [illegible]
[illegible] et [illegible] quidem [illegible]
an [illegible] ad hoc [illegible] [illegible]
[illegible] haeredes [illegible] [illegible]
obligatos ad reficiendum, [illegible]
[illegible] D. Adami [illegible], [illegible], [illegible] D. Adam[us]
[illegible] ipse [illegible] deberet [illegible] mundare, [illegible]
quoniam [illegible] est [illegible]
in anno [illegible]
[illegible] declaravit [illegible] intentionem
dicti Haeredes [illegible] ad refectionem [illegible]
[illegible] et [illegible]; Unde [illegible] debet
[illegible] [illegible]:

[illegible]
[illegible]

Salutis cura Domini praecipua est debet, ac ne aliquis in ea Laici [illegible]
immoretur [illegible] fideli [illegible]
Sacerdotis [illegible]
examen [illegible]
~~[illegible]~~ [illegible]
~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible]
annuo [illegible]

Cui animae vero, ac co[illegible] parendo Domine, et Centuria
superior de Candide comertici Plebis S. Stephani dict. [illegible]
[illegible]
in iudicio contra et [illegible]
ad dictam ex [illegible]
et superiori, inferioremque [illegible]

[illegible] [illegible]
Frattaza [illegible]
Campi Longi [illegible]
Costa vitor [illegible]
S. Petri [illegible]

Centuria autem [illegible] et [illegible]

Andride Danta
Costa Malazza Cotton
Dobole Nicolaus
Padola Campi del Gerra

Addunt [illegible] centuria inferiori in [illegible] S. Stephani [illegible]
[illegible] anno [illegible] [illegible]
[illegible] deberet, ut secundo vero immineret super grege illius [illegible]
comitto ascendente [illegible] anno [illegible] 1589, ut
habetur et notis quoque adduntur

Dicunt praeterea in superiori centuria in Villa de Candide
[illegible] et [illegible] miliaribus a Matrice de anno
1609 [illegible] onus Visitationis [illegible] et eximeret

Ill.mus olim, et R.mus D.nus Hermolaus Barbarus coadiutor
in Patriar. [illegible] Venetiis, ac postmodum Patriarcha
Aquileiae ac gloriosae memoriae, visitantibus Volume[illegible]
memoratissimi dictae [illegible] Centuriae [illegible]
ministro continuo, aliosq. ad eos vitae salutis via dirigendum,
sacramenta administrandum, et curationem animarum
faciendum, ut eis provideret de residenti sacerdote, in dicta
Villa qui, et [illegible] loco Villae dictae Centuriae deberet
in Cura, et Gubernio alterius dictae ad quae pertinere
docuerunt de quantitate animarum Centuriae Delictae
existenti tunc temporis animar. 1580 et nunc ad
1700 et ultra se extendente; instruerunt tanquam de
distantia, et via intermedia inter quamque Villam
[illegible] Centuriae ab ecclesia matrici in dicta
[illegible] Centuria in Villa S.ti [illegible] ut
[illegible] quae distantia [illegible] trium [illegible] quattuor
vel [illegible] miliarium, [illegible] vero difficultate
itinerum [illegible] montium [illegible]
tando ac impedimentis intermediis fluminum [illegible]
ac torrentium labentium et decurrentium tam estivo, quam
hiemali tempore et generantium [illegible]
innumerabiles, temporibus [illegible]
duo pontes lignei [illegible] quasi inutiles cedunt,
[illegible]
Ill.mus et R.mus [illegible] cognita veritate narratorum
et necessitate [illegible] ut ex visitatione [illegible]
[illegible] decrevisse, et terminasse
[illegible] quae
ante visitationem [illegible] erat [illegible]
in dicta Villa de [illegible]

ad effectum ut in ipso Visitationis decreto, quod pariter exprimitur, cum salario taxato et assignato [illegible] in villa [illegible] singulis annis solvenda, prout actualiter modo residet, curamque exercet et [illegible] indictam solvit [illegible] tandem provisionem memorata ut experientia in dies docet non esse sufficientem [illegible] quantitatis animarum [illegible] quae excrevit, quam distantiam villarum inter se [illegible] et difficultatem intermediarum [illegible] [illegible]; [illegible] et augurando [illegible] et sic impedientium [illegible] [illegible] rationi [illegible] opus esse [illegible] et [illegible] ac efficaciori remedio [illegible] animae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dominis [illegible] dicti [illegible] [illegible] [illegible] [illegible] ac [illegible] [illegible] Ecclesia Matrix [illegible] [illegible] deveniendum fore et esse, ad novae Parochiae [illegible] in dicta Villa de [illegible]andide cum assignatione [illegible] portionis ex [illegible] et redditibus ad [illegible] Ecclesiam matricem [illegible] [illegible] [illegible] et quomodocumque [illegible] applicandis futuro Parocho S.tae Mariae de Candide cum onere tenendi sumptibus suis unum capellanum residentem in villa [illegible] in dicta [illegible] [illegible] [illegible] annuam [illegible] et [illegible] [illegible] [illegible] [illegible] administratione [illegible] [illegible] ampliatione [illegible] [illegible] [illegible] spirituali solatio eorundemque animarum salute.

Olderico Dallo Rom.

All'Egr.mo . . . . Racc. di Primiero
in Tiè di Retrace

Col Pregio . . . .

Pro:

di

ex

Vi sono i Ritratti che [illegible]
intendon fare a' Sig.ri [illegible] [illegible]
contro [illegible] [illegible] l' [illegible] [illegible].
Uno de [illegible] che [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
d' [illegible];
l'altro ~~[illegible]~~ de [illegible] il medesimo da'
[illegible] [illegible] [illegible].
onde si trattano [illegible] [illegible] [illegible] [illegible]
l'altro separatamente.
Ma prima dirò che [illegible] [illegible]
[illegible] Patria [illegible] [illegible] [illegible]
si dà il Ritratto [illegible] [illegible] [illegible]
[illegible] [illegible] al [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] e o
[illegible] [illegible] [illegible] [illegible] tempo [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

N.° 5 eccettuando altri beni [illegible]
[illegible] d'affitto d'orte come
[illegible] Ricetto d'[illegible]
[illegible]

[illegible] dunque le [illegible]
[illegible] remissioni [illegible]
loro [illegible] altro [illegible] ne altro
[illegible]

[illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible]
[illegible] ora [illegible]
~~[illegible]~~ a tempo che [illegible]
[illegible] il [illegible]
[illegible] d'[illegible]
[illegible] [illegible] erano
confirmanti [illegible] che al
medesimo tempo [illegible] il [illegible]
[illegible] al tempo
delle [illegible] erano [illegible]
[illegible] come pare [illegible]
[illegible]

[illegible] anni 30 [illegible]
[illegible] capitano [illegible]
di [illegible] continuiamo [illegible]
tempi [illegible] aquattanti.

[illegible]
[illegible] illuminato [illegible]
[illegible] molto.
[illegible] tutta [illegible]
[illegible] appone
[illegible]
medesimo [illegible] grande.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 200
[illegible] ragioni
[illegible]
[illegible]

A loro parte si tratta [illegible]
Azzettonate [illegible] in [illegible]
quei Poveri Beni e [illegible]

[illegible] incontro per parte [illegible]
si tratta d[illegible] alcuni Beneficii [illegible]
Aggiunto [illegible] Capitan d[illegible] Beni
[illegible] aveva [illegible]
Pietro d[illegible] [illegible] suoi [illegible]
aquisto [illegible] Con [illegible]
[illegible]
[illegible] anche pagar [illegible]
[illegible]

Per [illegible] Vostra [illegible]
[illegible] Ramazotti [illegible] Confraternita
[illegible] delle [illegible] del [illegible]
[illegible] del [illegible]
[illegible]

[illegible]
dell'[illegible] 18 [illegible]
[illegible]
[illegible]

[illegible] ma [illegible] et essᵒ [illegible]
~~[illegible]~~ cosi n' essa[illegible] che nelli [illegible]
onde [illegible] continua [illegible]
[illegible] l'apare [illegible]
fussero all'[illegible] continuam.te ma [illegible]
[illegible]
[illegible] dell' [illegible] d'acquisto delli qq. [illegible] Batta
et [illegible] Franceschini [illegible]
et l'altro [illegible], et [illegible]
[illegible] seguito il medesimo anno 1620
9 di gen.ᵒ mentre in esso si vede, et legge
che [illegible] Franceschini di q.to tempo [illegible]
un campo dalli [illegible], et Gregorio
Pitisani [illegible] continua [illegible] Pant. [illegible]
~~[illegible]~~ degl' Eredi q. [illegible] Ant.ᵒ [illegible]
che è [illegible] L. 18 del medesimo
mese venne poi venduto [illegible] Curatori delli
d. Eredi a Fran.co [illegible] di [illegible]
Hor se è vero come è [illegible] che il campo de
d. Pitisani continua [illegible] ~~[illegible]~~ Banal.
degl' Eredi [illegible] ha passato in [illegible] et
Petronia de d. Franceschini [illegible]

Et che li 18 del mese sudetto fu
poi detto Baiardo ~~confessato~~ stato
venduto à Franc.o [illegible];
Che segue in conseguenza che i Ritratti
di esso hà donato alli S.i Francesc[illegible]
come quelli che confinavano mediante
detto Campo al tempo del contratto, ne
[illegible] potuto fare detta vendita in
pregiud.o di ~~[illegible]~~ confinanti
così che loro ne possano retrahere ai [illegible]
[illegible] esso ~~[illegible]~~ Baiardo quel
Campi che esso ~~[illegible]~~ [illegible] venduto al d.o
tempo;
Detti fondi di ~~[illegible]~~ Baiardo posti ai Campi compresi
nella Vendita sud.a [illegible] così pure di
Campi dove contigui, Vinalli [?] anche cosi erano; et
[illegible] al d.o ~~[illegible]~~ Baiardo come [illegible]
li S.i Francescini, et [illegible] et di
quelle così sedime, fanno in conseguenza
facoltà [illegible] del [illegible] nei Vend.
Quoc ante de [illegible] faciendo

nè solo di recuperar detto ... ; ma' li
campi tutti che co ... furono all'ora venduti
ne de ... ; poiche il più ...
il ... trase a se ... degno
che sono ... ;
All' ... d'acquisto delli S.ri Francesc...
... dalle leggi viene chiama... Prova Proc...
Vi s'aggiungono ... 2.do Fondam.to del Retratto
... Prove ... fatte mediante i 2 ...
prodotti in Processo ... e le deposizioni
de testimonj sopra d'etto ... 24
ter. 25, ter. 26, le qli ~~...~~ sopra chiara,
~~...~~ che è ... chiara ... parla
... che ... Vna
mente confinavano ... che ne campo
di sopra ... sol ... era delli S.ri
Francesc...
Il 2.do che è ... clemente ~~...~~
~~...~~ così dire
~~sopra~~ ... che di ... sono ... che
vengono chiamati ... confini a mezzo giorno,
Ponente, et altri ... ed il campo del ...

Franceschini Prẽ d.ᵐᵒ ett. D. Prosie..
che comprò dal q. Ecc.ᵐᵒ Ant.ᵒ Pit.ᵒ conforme
l'Instrum.ᵗᵒ che qui Lancete Lett.

Il 3.ᵒ medesimam.ᵗᵉ che è Gioseppe Orsolino così parlo
sopra il 2.ᵒ capitolo interrogato rispose, si che
d.ᵗⁱ Beni sono quelli stessi, che sono chiamati
p. conti in a. nelli gioni Pontile, et altri
monti così campo che il q. v. Rev.ᵈᵒ Franceschi
Prẽ de S. Prodocent comprò dal q. Ecc.ᵐᵒ
Ant.ᵒ Pit.ᵒ

onde se il ~~[illegible]~~ Roviale, et Beni che comprò il Viviano
continuavano a q.ˡ tempo, et confinavano al fiume così campo
che già fu del q.ᵐ Ecc.ᵐᵒ Ant.ᵒ Pit.ᵒ, et
se p. Instrum.ᵗᵒ Pub.ᶜᵒ appar chiaro che il d.ᵒ
campo fu comprato dal q. v. Rev.ᵈᵒ Franceschi
Prẽ de d.ᵗⁱ Attori giorni nove p. del Viviano,
ne segue necessariam.ᵗᵉ il dire che mentre
il Viviano comprò, il Fran.ᶜᵒ fosse confinante
e Vicino, et che in conseguenza ~~[illegible]~~ hai donato
a d.ᵗⁱ suoi figli che tengono le ragioni [illegible]
in loco del Prẽ il Retratto, ~~[illegible]~~
~~[illegible] dire che la compra~~ così disponendo apen.
il statuto in ~~[illegible]~~ c. [illegible] Rubr. de aqua:
et [illegible]: ~~[illegible]~~

. . . . . .

Son opposite del d.o Ristretto sa' il Vicario Golentini
P.o Due capitoli registrati in Process. fol. 25 ter la
e[illegible] sono il 4.o, e 5.o delli [illegible] Prodotti;
Con questi si tentava di mostrar due cose
cioe de Beni che tra Pie [illegible] due [illegible]
[illegible] di [illegible] in q.to [illegible] che. Et questi
non confirmasse il s.r Francesco che et [illegible]
[illegible] che lui habbia maggiori
coherente ed [illegible] Beni;
Oltre che sopra d'essi diano [illegible] Testimoni, non
[illegible]; ma [illegible], e[illegible] altri [illegible]
di [illegible] R.mo che [illegible] di [illegible];
Basta solo che la falsità del P.o capitolo
dalla [illegible] stessa registrata a' Car. 3. mentre
si vede che [illegible] de Beni [illegible] [illegible] [illegible]
il capitolo sud.o contenisse Verità che cioe fussero
[illegible] d'Beni [illegible] modo [illegible] [illegible]
[illegible] di tutti non doveste essere concesso il
[illegible] al [illegible] Francesconi;
[illegible] assai chiaro [illegible] [illegible] che [illegible]
Rain.o Francesconi mediante la [illegible] [illegible]

dei campi Pitti confinava al tempo dell'
acquisto fatto dal Vivano cosi Baiardo e medesimi
stiamo come detti
sigr habbiamo in indubitato forma del statuto
nel Vent. cal.

Quod anco se vostra Signoria

che quello che confina cosi Baiardo fu non
solo il venditore d'esso, ma anco dei Beni
tutti che co' questo sono stati venduti, et comprati
respettivamente, il che si raccoglie chiaramente
ordina la legge che volendo chi ha' ...
attinenti che ne' si possano li beni esser
retratti, debba si potesse far il cognito
se saranno piu Beni cosi secondi, ò a quello
che confina co' esso Bedima, ò dove si deve esser posto il sudetto
statuto, et cosi s'ottenne, come habbiam
veduto nella causa fra' i SS.ri Rinaldi, et
mitta, onde se il sr. Fran.co al
tempo che compra il Vivano dagl' heredi Filippuzzi
confinava cosi Sedime, e' esso compra Vivano,
ne segue in conseguenza che a i Sig.ri Gelli
Fran.co non si potesse ne si debba negar il retratto
di tutti detti Beni

6

Tanto più che realmte. si vede, et tocha cō
mano che ~~di più corpi~~, ogni in Un dl corpo
che [illegible] in qsto consiste la Terra Unita al d°
~~sedimento che compie il [illegible]~~, mentre nella
[illegible] d'esso ~~[illegible]~~ chiaro costa che tutti
[illegible] benche distintamte. unitamente sono congiunti,
et Uniti [illegible] all'altro indivisibilità, onde
Non solo, et [illegible] Corpi si devono chiamare
[illegible] di Terra, la attestano i UU.PP. [illegible]
constantemte. li Testimonij de S. Fran. [illegible]
il P. Lor. [illegible] nel Processo fol. [illegible], et 26.
et la afferma ~~[illegible]~~ strettamte. Fran. [illegible]
Testimonij fatti essaminare dal Vicario medesimo
~~nel Processo fol.~~ sopra il [illegible] foglio nel
Process. fol. 52.

Quanto poi all'altro assunto obietto della coherenza [illegible]
dal Vicario, [illegible] ~~[illegible]~~ presentate molte [illegible], che
qli si provenaro, et provenia ritenuto, che
mentre comprò [illegible] dalli [illegible], [illegible]
fossi ~~[illegible]~~ maggiori coherente co [illegible] Beni, che [illegible]
[illegible] il S. Fran. [illegible] [illegible]
si come à quel tempo se fusse [illegible]

Ed i Sig.ri Attori, i suoi Autori al retratto de Beni degl'Eredi Rinuccini, sarebbe in retta ..... in riguardo della coscienza maggiori, che professavano havere; Gl'Eredi potevano intendere ~~in riguardo del così grande tratto~~ per la regola di ragione che dice ~~che dice che quello, che è temporaneo~~ quod temporaneum ad agendum tunc perpetuum ad excipiendum.

Onde si risolvè, con dir qu.(che s'è detto in sé il Vecchio e dell'Eredi suoi ..... stato venuti e continuano coi Beni Rinuccini. Et che le sue coscienze realmente havessero .... delli Sig.ri Ran.; ad ogni modo ne la havebbero .... per l'intentione così nel retrahere, come nell'escludere d'ogni il retratto de Sig.ri Ran.

Imperocchè la ragione, et occasione del Retratto dell'qle Eredi di trattare naque, et ..... del contratto 1620. 18 Feb. stipulato già ..... Eredi Rinuccini di Vieri, et il Rani. Vecchio

Compratori dell'altra; onde se' costerebbe antecipiti
né la domandan per alcun fondam.to di
così che mi paion d'esse Lanesse potuto
redimer i Beni, et in consequenza né la
puono haver l'autorità [illegible] che sia valendola
alla retenz.e de' medesimi per la Reg.a Indeo
decretale; imperoche in via di ragione
[illegible] [illegible] [illegible] vale in [illegible]
anti [illegible] [illegible] [illegible] [illegible] nella replica [illegible]
[illegible] [illegible] [illegible] di forme è vero
quod ea quae sunt temporanea ad agendum sunt
perpetua ad excipiendum, debitor ff ad [illegible]
[illegible] [illegible] permult. ff de [illegible] [illegible]
così [illegible] sarà a contrario sensu quod ea
quae non sunt temporanea ad agendum, non potrà
esse nec [illegible] perpetua ad excipiendum.
Poi il Viviano benche fosse stato [illegible]
mente compro dagl'Eredi [illegible] non potenei
ad ogni modo [illegible] [illegible] retratto [illegible]
[illegible] la comparsa o [illegible] [illegible]
alla retenz.e de' med.i Beni.
Dirò più che anche che la Lanesse [illegible]
ragione di retratto, ad ogni modo [illegible] comprar
che fece tanto [illegible] [illegible], così che [illegible] [illegible] [illegible]

d'indi Lamer euetre ad retinendo (et questo
l'imperavise ~~[struck]~~ che si compra, p[er]che il benefi[ci]o
(si stimi grande da osservarsi)
del Retratto, ~~[struck]~~ mentre in quanto ad esso
si confonde in ragione che le competiva ~~[struck]~~
~~[struck]~~ augumento tacito nelle scritture 56 adito
ff. soluti matr., et la si debitori ~~[struck]~~, (ord.
de sale., ~~[struck]~~
Hor Ecc.mo Rom.do Vicario compra l'anno 1620 li
Serodi Filippucci p[er] ragion d'libero q.o ne
seguo conseguentemente che anco che le Lamerre p[er]
competesse ragione di retratto (che non è)
fusse ~~[struck]~~ consentita ex etanta, et che s'intendesse
ad esser renunciato
ma torno a dire che non si hebbe mai, ne la
puote Lamere, poiche la ragione in vigor
della quale i SS.ri Attori vengono al retratto
la nasce solo dal contratto fatto dal Vicario medesimo ~~[struck]~~
~~[struck]~~, et non attende, rispetto
che se lui non comprava non potevano loro ~~[struck]~~
pretender retratto.
Hor questo non se ne deve, e mi sentire come si la
considerato p[er] piu fondamento, onde ne segue
la conclusione, che anco, che realmente si Lamesse

8

~~S.i Sindendo, massime il Horace vostro altre coherentie che~~
vorria quelle che s'hanno al tempo della compra et
Vendita respetto a mani, et perche nasce la ragione dell'[illegible]
~~tempo in coherente~~ anteriori, et maggiori di
quelle de S.ri Rani; ad ogni modo non le ammetto
~~[illegible]~~ sino che a escludere essi S.ri
dal retratto ~~[illegible] più che il [illegible]~~
~~delle coherentie di q.to tempo, [illegible]~~
Ma passiamo oltre, et consideriamo in q.to questo
Habbia portato, et rilevato intorno le ~~[illegible]~~ tue
coherentie quella Salomone
[illegible]
[illegible]
[illegible]
mi possede una braida di campi [illegible]
da 30 anni in qua mediante se medesimo et li
suoi Autori; che detta Braida già anni 37 continua
mente da i [illegible], a mezzogiorno [illegible]
[illegible] [illegible] la [illegible]
[illegible]
~~tiene~~ Un'altra Braida che gli detti [illegible]
Unita alla [illegible]
Poi [illegible] capitolato che [illegible]
[illegible]
dei [illegible] in capo alla Braida [illegible] essi [illegible],
onde [illegible] d'esso [illegible] confinante
[illegible]
q.m Bernardino [illegible], et parte di [illegible]
d.i [illegible], a mezzo di col un Campo della [illegible] di
S.ta Maria di Comerso, et parte col un Prado de [illegible]

d. Pompeo Capponcino; et che all'incontro i S.ri Fran.i non possedono che un sol campo vicino alle d.e Terre;

Volendo inol. mostrare che lui è più antico possessore in d.o Loco, et che tiene oltre li medesimi colleganti in quantità considerabile, onde ricorse per restringere le sue Unioni, e molto più la sua ragione mentre si concedesse il Retratto alli S.ri Fran.i, li quali finalm.te in quei siti non possedono che l'unico mezzo d'un sol Campo.

Ad ogni modo ancorchè fosse vero (che non è) quanto si adduce il Vicano in essi capitoli non li verrebbe per impedire il Punto controverso stanti i fatti che si dà; mentre il S.r ~~ ... ~~ Pandolfo di Ponticelli non è un ~~Campo di Filigare~~, et ~~del Comune~~. E questo viene deciso dal Statuto nella d.a Rubrica de Agnati, et Vicini, colla Parola Unire come sopra si è detto, ~~altro~~ se i d.i S.ri Fran.i siino in stato, o non di sempeare al Vicano per ragion di vicinanza le Terre istesse, et in ogni Caso li Vicini al Retratto de Beni che siano vendute in tempo che loro ed essi siino confinanti; onde la Carta in conseguenza si restringe a questo Punto di dire vedere se realm.te i S.ri Fran.i confinassero co i Beni che vendono

d'ricuperare dalle mani del Vicario al tempo
che il P.re del medesimo si comprò dai Filippucci
ex dal Clemente, o' no' [illegible] se ch' in [illegible] Palmo
di Terra [illegible] all' Sig.ri Stati Vicini potrà senza
dubio, anzi doverà essere admesso al Retratto
addimandato [illegible] disponendo la Legge Statuta,
oltre che il Sind.o [illegible] era obligato, cosiche
nel suo Sind.o no' si può d'esser [illegible]
che giusta a' quel tempo continuava li Sig.ri Ram.i [illegible]
li Beni che il Vicario Vecchio comprò dagli Eredi
Filippucci di già a' [illegible] mostrato ~~[illegible]~~ onde consta
[illegible] ~~[illegible]~~ total Vittoria delli Curiali [illegible]
Che il Vicario [illegible] ha mendace nelli suoi
Articoli [illegible] inconcludenti ~~[illegible]~~
no' provo il Prado che si dice da' suo P.re esser
è ~~[illegible]~~ semplice assertione [illegible] [illegible]
stato comprato, ~~[illegible]~~ da Daniel [illegible]
[illegible] ~~[illegible]~~ [illegible] dal Rob. [illegible] Pamfilo [illegible] come appar [illegible]
[illegible] 34 [illegible] ex [illegible] aliud [illegible]
Che medesimamente ne' [illegible] che e' ui
capo d'elli Beni Filippucci [illegible] d'[illegible]mente [illegible]
~~[illegible]~~ ma' delli [illegible] [illegible]
A la sue [illegible] 1544 ~~[illegible]~~ registrate in Proc.so [illegible] 58
in q.te Parole
item [illegible] Parte [illegible] [illegible] nel [illegible]

[illegible] [illegible] [illegible] Beni con[illegible] q[illegible] altre [illegible] di Terra [illegible] nel suo disegno
in [illegible] che [illegible] [illegible] acquisto fatto di [illegible] [illegible] [illegible] [illegible]
1510; [illegible] si vedano le sue divisioni [illegible] 58, et si [illegible] che nelle
[illegible] [illegible] non è da Terra; et s'osservi il disegno delli [illegible] [illegible] [illegible]
[illegible] come attesterà il [illegible] Casale, et si riconoscerà che non è in [illegible]

[illegible] quasi [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] non è [illegible] [illegible] che chiaro appare. Che
[illegible] il Vivaio è [illegible] [illegible], [illegible] mendace
nelle sue [illegible]; Molte sono le considerationi
che si puono fare d'avantaggio [illegible] mostrare.
Che i Beni [illegible] [illegible] [illegible] sono [illegible] Uniti,
et si debbano [illegible] [illegible] un Corpo solo
come [illegible] [illegible] anno 1620 12 [illegible]
Beni [illegible] a [illegible] [illegible] d'essi, [illegible] è
registrato in Protocollo [illegible]; mentre [illegible] esser
[illegible] espresse di [illegible] chiamando [illegible]
Beni [illegible] all'altro annessi.
Et che [illegible] il Vivaio [illegible] non era coherente
mentre [illegible] compro dai [illegible]. ma [illegible] [illegible]
non è questa il Punto della [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] et constantemente tengo che alli
[illegible] [illegible] [illegible] [illegible] il [illegible]; [illegible]
[illegible] che [illegible] [illegible] [illegible] [illegible] mediante il
[illegible] [illegible] Beni [illegible] [illegible] [illegible] [illegible]
il Vivaio [illegible] [illegible] [illegible] [illegible]: il che non
[illegible] potuto esser negato [illegible] [illegible] [illegible]. Vivaio
[illegible] nel [illegible] [illegible] [illegible] [illegible]
Onde le [illegible], [illegible] in conseguenza [illegible]
[illegible] admetto al [illegible]; [illegible] mentre [illegible]
parlano [illegible] [illegible] che è [illegible] 92.
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

aliq. Domus vel Possess. aut aliquod aliud
rem immobilem Vinea vel Pinus sita vel
sitas in Patria Forinij, aut vendet aut
in solutum dabit seu unus directi Domini vel
Utilis, vel quasi, vel aliquod aliud jus
quod habeat in aliqua re immobili sita
in d. Patria Forinij, non valeat Venditio
seu datio in solutum in quibus attinentibus suis
Agnatorum Venditoris, neq. Valeat in quibus
Vicinorum Tunc cohaerentibus rei venditae, seu
in solutum datae, sed quilibet Agnatus
Venditoris, seu quilibet Vicinus cohaerens et
habitans in ipsa Patria possit dato eodem
Pretio vendicare, et repetere quandocunq.
talem rem venditam, seu in solutum datam a
quocunq. emptore.

Parole che saranno maturamente esaminate, e considerate, da' Sig.ri Giudici
A indubitata conclusione che sia incontrastabile
il Retratto de' Sig.ri ~~[illegible]~~ imperoche s'admette
d'esso, sanno con individualità rilevato che mentre
il Venditore contro [illegible] Tunc Tunc ~~[illegible]~~ come [illegible]
[illegible] confirmano, sanno depositato il [illegible]
Prezzo, et sanno in [illegible] giurato di redimere [illegible]

... n. p. altri; onde devono essere certam.te
illuminati; tenendo massime esti Beni
Uniti ad altri molti che in qsto sito tengono,
et si formano col [illegible] come à [illegible]
differito dal [illegible] [illegible] che gli altri [illegible] dei
[illegible] et recognitione del Antiregno, [illegible] trattato
dei più Confini, che si giorno dare in qste Parti
[illegible] altre ragioni in concorso anco [illegible]
equità commune, et tale che [illegible]
il [illegible] à Notaro [illegible], mentre
[illegible] il [illegible] non sente alcun danno,
[illegible] le [illegible] [illegible] [illegible]
et [illegible] sodisfatto de miglioramenti, et [illegible]
allontanar ~~[illegible] Vicinanza~~ dei contratti; et
dalle [illegible] nelle [illegible] [illegible] senza [illegible]
come [illegible] [illegible] [illegible] del
m.to venale [illegible] nell' [illegible] fol. 34 ter
Dall'intelligenza [illegible] dipende in
oltre delli altre [illegible] [illegible] Clemente
[illegible] l'anno 1621. 17 maggio [illegible]
[illegible] [illegible] [illegible] di
[illegible] 63 come appare [illegible] et
[illegible] registrat in [illegible]
confirmandoli all' [illegible] [illegible]

L. S.ri Francesi come si legge dalle stampe stesse
fatte d'esso Tenore fosse servi in
Confini a' vostri [illegible] et S. Franc.;
a' molto di 9 [illegible] Francesi

Hor cos. fondam.to della legge, [illegible] differenza
~~[illegible]~~ [illegible] li S.ri Attori d'esagerate come
continuamente; tal sua conferenza viene confessata
dal Vicario medesimo ~~et~~ nel [illegible] fatto;
onde ne succede necessaria conseguenza che non
le potesse esser negato, ò contesto esse [illegible].
In oppositione tuttavia la forma, et forma [illegible] Vicario
[illegible] ~~[illegible]~~ [illegible] [illegible] fatto [illegible];
[illegible] d'esser lui medesimamente congiunto et
d'haver maggiori [illegible] di [illegible] Franc.
L'altro d'haver aquistato quel che gl'Attori confinato
ex [illegible] [illegible] ragione [illegible] [illegible].
[illegible] al [illegible] ~~[illegible]~~ [illegible] et [illegible] di affer-
mata, che non potea il Vicario venire in [illegible]
~~[illegible]~~ [illegible] il [illegible] [illegible] dalle
[illegible] da' [illegible] ~~[illegible]~~, et [illegible] mediante d'esso [illegible]
[illegible] ragione, et conferenza [illegible] [illegible] [illegible]
[illegible] in questa addotte;
[illegible] totalità [illegible] [illegible] in apparenza
[illegible] [illegible] [illegible]

Porta il Vicario per [illegible] che il S.r Fran.co nel [illegible]
[illegible] che [illegible] comprò a [illegible] da Clementi
a [illegible] 1613. li 24 Feb.o come appare da [illegible]
[illegible] esistente [illegible]
[illegible] non dire, et argumentare
~~[illegible] Fran.co [illegible] 1613 [illegible]~~
[illegible] retratto bisogna [illegible] Confine al tempo del
contratto, così ricercando il statuto [illegible]
il S.r Fran.co l'anno 1613 mentre [illegible] Vicario
comprò [illegible] confinavano ~~[illegible]~~ [illegible] non [illegible]
di recuperare
più.
Per il corso d'anni 30 [illegible] la ragione del
Retrahere, et è vero
[illegible] dall'anno 1613 che comprò il Vicario sino
all'anno 1650 che il S.r Fran.co [illegible] il retratto
sono [illegible] anni 37 [illegible] sono [illegible]
[illegible]
se [illegible] 1613 [illegible] di Vendita [illegible] et che
[illegible], non v'è dubio
[illegible] procederebbero gl'argum.ti, et [illegible]
[illegible] assolutam.te [illegible]
~~[illegible]~~ [illegible] et [illegible], ~~[illegible]~~ e' [illegible]
[illegible] gotterione. [illegible] cadono gl'obietti
[illegible], come [illegible].
[illegible] 1613 [illegible] di [illegible] 14 come [illegible]
[illegible] le queste [illegible] non [illegible]

e p parte del Vicario così ~~mittitur~~ premura, e ne
sarebbe stato necess.o che suo P.re n'ingerisse
d'esser Ernesto possesso; ma' su' q.to che si
vede, o che Ernesto effetto o no di ciò che è
~~[illegible] attoliar [illegible]~~
= risoluto, et che in conseguenza no si deve
havere in' alcuna consideratione, e ciò provo

L'anno 1621: 27 maggio Sig. Inn.o Clemente
trattò d'alienare al Sig.r Vicario Vin.o suo Petro
d'Terra di sopra Palude, ne segue la stanza
in m.ti 65; et d'indi mediante l'istrum.o
d'Vendita assoluta, p ragion d'Libero, et
proprio senza alcuna mentione d'alcun altro
Instrum.to anteriore, come costa in Process. fol. 7 ...

Non dico io, o che questo è la Brandi nominato
nell'Instrum.to 1613, o' no.

Se è questo, in caso tale p la novazione del
contratto, si risolve d'Instrum.o 1613 come contrario
chiaro alli Emin.mi

Se no è questo s.o no obstante perche li Sig.ri Proc.ri si restarono
et hanno dichiarato, che addimandino il Restitutio
del Petro di Terra, o Brandi contenuto nel contratto
et Stanza 1621: 27 maggio, ed no antecedente

che nel d[ett]o Istrum[en]to 1613 q[uest]o convenisse la medesima
Rendita per Terra che contiene l'altro 1621. 23
maggio e l'intendo rettificar p[er] Monast[er]o contractus
tali che nel di lui tenore in alcuna consideratione
li ponev

V'è la [illegible] le monast. et derogat. le parole della
[illegible] l'Istromento [illegible] Priore debba in [illegible] obligationi nel
~~[illegible] obligat. et [illegible]~~
~~[illegible]~~, [illegible] obligatio [illegible]

Non è modo parlando del Primo Atto, L'anno
1613 il Clemente vende questi Beni p[er] [illegible]
l'Istr[umen]to 14; l'anno poi 1621. 23 maggio fà
uno contratto pur di compra de medesimi Beni
co[n] le clausole intere ordinarie et necessarie
d'apporti, et questo p[er] [illegible] l'Istr[umen]to 63, senza fare
alcuna mentione dell'altro primo [illegible]
[illegible] Monastero [illegible]
Et la ragione è pronta, [illegible] che o che
l'Istrum[en]to 1613, o [illegible]
che era nullo, et che le Parti contrahenti ne
habbino [illegible] di altro [illegible] d'esso [illegible]
[illegible] Monastero
[illegible]

ff Che piu si deve dire ch' il Cardinale 1613 nel q.le
il Vicario esibì [illegible] a la Camera [illegible] in nessun
modo di venire; ma' li volto gradimento nel q.t caso che non
[illegible] del Chiusi, [illegible] il [illegible]
[illegible] credit[illegible] [illegible]
se non era valido, adunque non [illegible] esse
atteso; onde mentre la [illegible]
~~[illegible]~~ l'anno 1621 e' [illegible]
che non valeva, perche realmente sarebbe [illegible]
il [illegible] Contratto [illegible]
1621 [illegible] 1615 [illegible] non, io dico che l'anno
1621. 22 maggio [illegible] comincio il [illegible]
del Vicario, et che [illegible] Fran.co [illegible]
d'esso intendono recuperare, [illegible] d'[illegible]
Perche se ne [illegible] anteced[illegible] al d.o anno
et che [illegible] non ottenuto habbino voluto et integro
a q.t tempo che le sia fatta la translat.e
del Chiusi senza haver [illegible] considerati
[illegible] conseguenze [illegible] al benef.o
~~[illegible]~~ d. q.to, et a [illegible] con la [illegible]
~~[illegible]~~ in forma tale che [illegible]
poi [illegible] Prone [illegible]
[illegible] volto, et [illegible] con [illegible]
~~[illegible]~~ [illegible] 1621 [illegible], ~~[illegible]~~ ogni
[illegible], et [illegible] ogni [illegible] di
[illegible] di ragione opposta [illegible]
di [illegible] di [illegible] Fran.co; et [illegible] q.to

unire aperta la strada alli medesimi di
poter recuperarsi ~~[illegible]~~ imperoche
limente vende, et il Nuovo Compr.re ~~quelli~~
~~Beni~~, et se il statuto prende, et dispone
che ~~tutti~~ le vendite de Beni in q.to
Patrim.o siano soggette al Retratto a' scieg.
degl' Agnati et de Vicini, certa cosa
è che in d.o Contratto cadde tutto in ...
dispositione, ~~et in~~ ~~[illegible]~~ a benef.o de S.
Fran.co mentre in esso sono ... dal Nuovo
~~[illegible]~~ l'Annata ... , et confirmati
~~che ... secondo ... suoi ...~~
~~del ... ...~~ et questo basti ... a difesa
del Retratto de Beni del clemente nominat.
nell' Instrum.to 1621. 17 maggio
Perche q.to sia all altre obiettioni di antichità
di ... , et di maggiori ... , no le
... debbano a S. Fran.co restar esclusi
dal Retratto
imperoche quanto all antichità del ... no
~~[illegible]~~ le obiett.ne la Parola ... contemplata
nella legge, la q.le importa che no altro si debba

attendere che il tempo della compra, e
della Vendita respettivam.te; né concludono
perciò nella materia de Retratti: avere
loco la regola di ragione quod qui prior
est in tempore potior sit in iure, così perché
la legge et statuto non lo dice, come per
questa s'attende solo nella materia
hipothecaria, come si cava chiaro dalla
regola medesima, e dal Dec. che sopra
di essa ha fatto il Tratt. de Regulis iuris, e
la ragione è pronta, perché nell'obligationi,
et hipotheche ben è giusto che chi è antiano
di tempo sia preferito al posteriore, ma
non è così nella materia dei Retratti,
non s'attendendo altro in essi che il tempo
del Contratto in rigor del [illegible] di retrarre
come la parola stessa [illegible] chiaro ci dimostra.
Q.to ultimam.te alle conferenze maggiori ò minori
parim.te non le giovano, imperoché come si è
considerato ~~[illegible]~~ già nell'altro [illegible]

Per una d'azione non potrebbe, ne puo venire
il Tiano altro rempero, attesoche non altronde
è nata l'azione del Renato che dal suo
contratto coll'gte agenti mediante suo Pre' L.
[illegible] dai Clementi [illegible] ne meno per via d'eccezione
[illegible] le pendenti nella retentione, mentre il Renato
[illegible] d'essi non altronde nasce che dal suo stesso
contratto
Però più che [illegible] ampliare a me [illegible]
Tiano nel [illegible] suo fatti [illegible]
[illegible] Beni; ma anche [illegible] d'Pietro [illegible]
[illegible] che [illegible] medesimo che vengano [illegible]
di questa [illegible] non appare nel [illegible]
[illegible] ~~[illegible]~~ pendente la lite, e ecc.
[illegible] grande debito [illegible] de S. Tiano, il che non
[illegible] a [illegible] d'eccezioni dei medesimo Tiano
mai anche mostra la debolezza delle sue ragioni
[illegible] ~~[illegible]~~ [illegible] eccezioni e [illegible]
[illegible] Beni del ~~[illegible]~~ [illegible]
[illegible] di [illegible]
[illegible], ex omnia [illegible]

Sia dunque la conclusione et si darà
constante che ne di detti Frati
così in via di ragione come equità
sia in stato di [illegible] [illegible]
Perche mentre trattano di ritratto [illegible]
la Competenza [illegible] [illegible], et
congiunti, et trattano di Unire alli
suoi [illegible] del Vicario [illegible]
mentre loro erano presenti, et [illegible]
et così di Pretendere una Possessione
[illegible] et [illegible], senza
minimo pregiud.e, et [illegible] del d.o
Vicario mentre deve lui [illegible] il suo
Prezzo, et li suoi miglioramenti d'ogni
sorte; onde devono [illegible] [illegible] [illegible]
[illegible] et abbracciati [illegible] rendono
al fine ~~[illegible]~~ il q[ua]le [illegible] [illegible]
et [illegible] [illegible] ritratti, che [illegible]
d [illegible] unione de Beni a [illegible] di
[illegible] [illegible] et a [illegible] del
[illegible] [illegible] il q. [illegible];
[illegible] [illegible] [illegible] Lite

Parti tutti [illegible] [illegible], [illegible]
[illegible] [illegible] tolte dai [illegible] [illegible]
già destinati alli loro riconoscimenti
et da quella costiera, che il [illegible]
de [illegible] [illegible], nelle parti [illegible]
tutte [illegible] [illegible], onde [illegible]
mi rimetto et [illegible] altra
ragione, et all'equità [illegible]
[illegible], et [illegible] [illegible]
[illegible] [illegible] a rendere
[illegible] nelle loro [illegible]
[illegible] il medesimo

[illegible] [illegible]

[illegible]

[illegible] [illegible]

Olderici a Porta

Consultationes

pro Comitibus de Valvasone

[illegible]
[illegible]

Lti:

Quoniam ex facto ... omnes, Factum ... [illegible]
Praelatis [illegible].

Anno 1490 ... [illegible] ... Dominicus [illegible]
[illegible] Vallis Adami pro se
[illegible] habitantis [illegible]
anno 1... [illegible]
[illegible] ad mentum [illegible]
[illegible]
[illegible]
[illegible] Amorum [illegible]

Ab inde citra [illegible] annum [illegible]
annum tandem [illegible] columine [illegible]
[illegible] anno 1... [illegible]
[illegible]
[illegible]
[illegible] annis [illegible]
[illegible] [illegible] et Processu [illegible]
[illegible] ad [illegible]
[illegible]
[illegible] Processu [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Processu [illegible]

[illegible] in [illegible] [illegible] [illegible]

Attenta relaxatione dicti carceris [illegible]

in mense [illegible] de anno 1636 [illegible] 8 [illegible]

[illegible] de [illegible] anno et [illegible]

condemnari ad relaxationem [illegible] eos [illegible]

de [illegible] [illegible] in [illegible] a die

detentionis et [illegible] in [illegible]

[illegible] filii [illegible] de [illegible]

[illegible] a [illegible] minime [illegible] et

[illegible] [illegible]

[illegible] intra [illegible] [illegible]

[illegible] dictos [illegible]

[illegible] non [illegible] intimatione [illegible]

[illegible] e [illegible]

[illegible]

non tenere [illegible] eo quia [illegible] attenta [illegible]

[illegible] acta [illegible]

[illegible] intimatio [illegible] contra

[illegible] tres [illegible]

[illegible] omnes [illegible]

[illegible] Martius [illegible] 25 [illegible]

ut [illegible] in dictis [illegible]

~~[illegible]~~

~~[illegible]~~

[illegible]

ad [illegible] [illegible] [illegible]

[illegible] ad nostra [illegible]

[illegible] [illegible] Stilettis

[illegible]

[illegible]

[illegible]

[illegible] vide [illegible]

[illegible] in Rubr. ~~de~~ 1613

de [illegible] ~~[illegible]~~ [illegible]

~~Verbo~~

[illegible]

[illegible] ex

aliquo [illegible]

[illegible] quod si quis [illegible]

loco et toto [illegible] alienaverit

intelligimus [illegible] in quo [illegible]

[illegible] in [illegible]

~~[illegible]~~

[illegible] sed [illegible]

[illegible] ~~quod~~

[illegible] quod [illegible], ex

[illegible]

[illegible]

[illegible] de [illegible].

[illegible]

[illegible] quod [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] cum [illegible] [illegible] [illegible] [illegible]
a principio [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible], ad [illegible]
[illegible] [illegible] [illegible]
concedendum [illegible] [illegible] [illegible], [illegible] altera
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], quod [illegible] ad [illegible]
[illegible] possent, quod [illegible] [illegible] [illegible] tangendo
[illegible] eo [illegible] [illegible] [illegible]
[illegible], et [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible]
et [illegible] [illegible] ex [illegible] [illegible]

Quae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] derogari [illegible] [illegible], ut nec
[illegible] [illegible] [illegible] quod quo [illegible]
[illegible] a [illegible] ~~[illegible]~~ [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] ff. de [illegible] ex [illegible]
[illegible] 42 n°. 2 Lib. 5°, [illegible]
n°. 24 [illegible] [illegible] de [illegible] [illegible]
[illegible] de [illegible]. et in [illegible] de [illegible]

~~[illegible]~~

Quod eo magis [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible] erat [illegible] [illegible] [illegible] vero [illegible], [illegible]
[illegible] stantibus [illegible] ex adventu [illegible] in
[illegible] et progressu [illegible] [illegible]
[illegible] [illegible] Polorum [illegible] [illegible] [illegible] [illegible] [illegible]
Quod [illegible] in hac [illegible] [illegible] ex [illegible]
[illegible] regulariter.
[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] ignorantes
[illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] deberet extra [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] quando [illegible] [illegible]
quantas et [illegible] [illegible] [illegible], [illegible]
in [illegible] [illegible], [illegible] [illegible] [illegible] [illegible].
[illegible] a [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] forma [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] clara et
[illegible] [illegible], et extensiva [illegible] [illegible] [illegible]
confirmatores [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Martii [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], et [illegible] [illegible] [illegible] [illegible]
in quo [illegible] [illegible] [illegible] [illegible] a [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible] de [illegible], [illegible]
[illegible] [illegible] affirmant esse [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] constat, et in [illegible] [illegible]; [illegible] [illegible] [illegible] [illegible]

[illegible] traditionem [illegible], sed et [illegible]
coquitur elapsus [illegible], et [illegible]
[illegible] domini [illegible]
[illegible] eum [illegible]
[illegible] uti seniores ex [illegible]
[illegible] eum [illegible]
[illegible] eum depositiones [illegible]
in actu [illegible]
[illegible] [illegible], et [illegible]
multo [illegible], [illegible]
in aliquo nec minimo [illegible] confirmasse, et
falsum [illegible] [illegible], quo [illegible]
[illegible] mag[illegible]
[illegible] quid a veritate [illegible] quando
[illegible]
Nec [illegible] [illegible] [illegible]
[illegible] [illegible] Martinus
[illegible] contra [illegible] contractus
Pellegrini [illegible] maioris [illegible]
canones emphiteotici [illegible] [illegible]
[illegible] [illegible] mandato [illegible]
[illegible], [illegible] [illegible]; Nec [illegible]
[illegible] ex [illegible], contractu emphiteotico
et [illegible] [illegible] indicatus [illegible]
[illegible]
[illegible]

[illegible] in [illegible] [illegible] sacramentalis [illegible] [illegible] Rom. Cap. 77. [illegible]
[illegible] [illegible] n.° 2 [illegible]
[illegible] B. n.° 20 et sequent. [illegible]
tandemque [illegible] n.° 58 [illegible]

Quanto [illegible] loco, ex toto solvebantur a Religiosis [illegible] 5 [illegible] 1443 [illegible] 1444 [illegible]
[illegible] [illegible] [illegible] ~~alienas~~ [illegible] [illegible] [illegible] in anno
~~Unde~~ Quoniam ex quantitate Census [illegible] [illegible] [illegible] [illegible] ipsius [illegible] [illegible] habet [illegible] quid in contrarium [illegible] [illegible] [illegible].

(Hoc [illegible] [illegible] pendendo, [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in eis [illegible]
[illegible] [illegible] [illegible].
Pro [illegible] [illegible] [illegible] [illegible] [illegible]
quod [illegible] [illegible] [illegible] [illegible]
[illegible]; unde nec [illegible] [illegible] in hoc [illegible]
[illegible] [illegible] [illegible] ne
[illegible] [illegible] alienas [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] qui [illegible]
ex [illegible] in [illegible] [illegible] [illegible] mandanti
[illegible] quod [illegible] [illegible]
[illegible]
solo in quo [illegible] [illegible]
Vide [illegible] [illegible] [illegible] [illegible]
debeo ad Vota [illegible] [illegible] [illegible]
pro executione [illegible] [illegible] [illegible]
[illegible] [illegible] e [illegible] [illegible]
parte [illegible], salvo [illegible] [illegible]
agendi pro [illegible]

Ad primum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] rebeat ad [illegible]
[illegible]
[illegible] in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ut habet ex Receptis

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Ego [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] cedo quid [illegible]
[illegible]
[illegible]
[illegible]

[illegible]
Ex [illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

Et dat [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Oldericus a Porta

in

Cenobio Concordiensi

[illegible] ma ao q [illegible] tenes [illegible]

[illegible] concordenti [illegible]

[illegible]

[illegible] de [illegible]

[illegible]

Cam [illegible]

[illegible]

conductiones de [illegible]

[illegible]

et [illegible]

[illegible] que [illegible]

[illegible]

[illegible] quem [illegible] Senas

multas ad omnes Mauritanie Episcopatus ut

est indicia [illegible] congregationibus et

[illegible]

concordi[illegible] [illegible]

[illegible] quod [illegible] [illegible]

[illegible] et [illegible]

[illegible] in ecclesia [illegible]

[illegible]

[illegible] ad [illegible]

[illegible]

[illegible] Episcopus [illegible]

et [illegible]

et [illegible]

[illegible]

[illegible] ex

[illegible]

quia [illegible]
antequam [illegible]
[illegible] tame [illegible]
[illegible] esse [illegible] gaudeis

qm, ad conuersationem [illegible]
tamen [illegible] [illegible] ex [illegible]

[illegible] 23 [illegible] pro qualibet vice
[illegible]

[illegible] conscientia

[illegible] ex parte [illegible] fere

[illegible] et [illegible]

[illegible] 60 ann

[illegible]

[illegible] quia quod indicans [illegible]

[illegible]

[illegible] animas
multi

[illegible]

... Dubitari
... ingenii ... renegare
... sed in dies & Fusca...
... (in mi... illius
...
... pergasset illius
... quae ...
... et accesse
amores illius ... quae aquireret; et ...
... et animadversi ...
... metri ... Parte, ...
... procedere.
Materia ... Vicarius
... intenti ...
... eliminandi ...
... esse ad intentato
... marte
manutenenda et ...
... squamus
... caput
... 30 ...
... Vicarius 30 ... extra ...

[illegible]

conclusiones [illegible]

[illegible]

tijs promittis, et animadvertis ad validitatem iis indissolubilia fundamenta cuius salua v.ta [illegible] nunc deficiendo

Et p.o dico quod hic 24 [illegible] manutenendus in ind. Possessione [illegible] in principio Possess.e in qua repliis [illegible] in [illegible] querelas de electis [illegible] sapiens in sua practica in forma libell. quo agitur ad [illegible] solutione [illegible]; sed quia diximus n.o 5.

Verum Possessio in qua repliis [illegible] episcopus est exigenda ad [illegible] episcopatus, ut colligitur ex denegatione [illegible] de qua in eius [illegible] die 6 [illegible] 1649 [illegible] in ea manutenendus [illegible] quibuscumque in contrarium adductis

Cognoverunt [illegible] sane huius conclusionis impugnari [illegible]; Unde ut contrarium obtinerent, necessarium dixerunt, ut antea [illegible] probare; quia sub aliis episcopis [illegible] solverunt a tempore immemorabili ad alia [illegible] seu [illegible] ad [illegible] concordiae, seu episcopatus [illegible]

Unde hic causa firmari posset, et videre si ita esset verum vel non; quoniam si demonstrarent probasset possess.m solvendi ad [illegible] poterit posset, modo [illegible] posset, quod dicunt [illegible] #

et 4a. facie [illegible] [illegible] confirmandi [illegible]
et esse examinandi
1o. [illegible] tenet ad [illegible]
[illegible]
[illegible] actis
[illegible] actis [illegible]
[illegible] martys [illegible]
[illegible]
[illegible]
2o. [illegible] ut in [illegible]
[illegible]
[illegible]
[illegible] auctam [illegible]
[illegible] alia [illegible]
3o. [illegible] ut [illegible] esse parte
[illegible]
[illegible]
[illegible] cum [illegible]
[illegible]
[illegible] quantitate [illegible]
4o. tandem [illegible]
[illegible]

Ceterum [illegible] [illegible] [illegible] [illegible]
[illegible], quod [illegible] accedere ad [illegible]
[illegible] accidentis, et exercendi [illegible]
que ac [illegible] [illegible] tradite. Et [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] ac [illegible]
[illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] [illegible] [illegible] extra [illegible]
[illegible] [illegible] [illegible] 66.
[illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]
[illegible] ac [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
contraria [illegible] [illegible] [illegible] infallibilem
constantissime [illegible], [illegible] concludo.

1/1 decem devenit, nec posse ad viginti, et maiore
mulcta obligari;
sed tantum abest quod id probaverint, quod immo
ipsimet contrarium (licet non teneantur) contrarium
demonstravit, et firmavit
Quod sic res se habeant; capio primo Testes
~~ex~~ Part. Ex.mi D. Foscarini examinatos, et
noto hic quod examen ~~et~~ factum fuit annos decemdecem
post praesentat. capitulorum; nec non fuerunt producti
die 6 9bris 1649 ut fol. 15. Testes vero assumpti
22 Aprilis 1661 fol. 92, horum Primus est Iulianus q.
Ioannis Mariae Pulini de Catarino; ... post
multa, non ad interrogationem sed ... sed ultronee,
deposuit fol. 93 ter. A. his verbis
'zia un'anno in circa il s.r Marco
Minini già Fattore delli Sig.ri Fedeli di
Ven.a mentre esso si ritrovava in letto
amalato nella Villa di Casanfa dalla q.le
infermità poi mancò di Vita, fu addimandato
da Bavaro Minelli vagnano ... stato delle ...
... Foscarini, Proder... ... mulcta havesse
pagato per interesse di ... o di concordia
quale ... rispose che havendo pagato il Vino et
le biade al do. Vescovato della mulcta di Porto
interessi chi fussero a ciò stenti risposte piu ...

[illegible] Fratri Campanae [illegible] Testem [illegible] è qui
p essere essaminato, ne vi erano altri, anzi
che il d. Bardo medesimo chiamò noi à porta [illegible]
[illegible] in Cpent., et potessimo ~~essami~~ giustificare
il detto [illegible] marco

2do [illegible] huius primi Testis ~~[illegible]~~ prout et [illegible] eius
~~[illegible]~~ contestes [illegible] examinati Plura, et notabilia
et concurrunt quod [illegible] marcus [illegible]
destituuntur; et p.o quod ~~[illegible]~~ [illegible] inter [illegible]
ab anno 1660, et sic annos undecim post
potentatum Capitulorum; unde potuisset ipse
examinari in tam longo temporis cursu; non aut
[illegible] dicendi ~~[illegible]~~ extraiudiciale, et non [illegible]
et [illegible] relevari

2do quod d. marcus erat [illegible] delinq.
non aut [illegible] sed vero practicas
de [illegible] p ipsum n. p alios factas; Unde
licet ipse met depositisset, et eius depositio
nunquam valuisset; tn [illegible] non probarla;
[illegible] quod erat [illegible] unius [illegible]
[illegible] pro eis interlibus, et p consequens
inhabilis ad testificandum, cum Testes domestici
non probent [illegible]

Testis [illegible] examinis [illegible]
[illegible] annorum [illegible]
[illegible]

6

~~Tutto~~ io fui una volta a' menar ...
in Vescovato à Porto mandato dal S.
Adelardi assente del Sig.; et dal Sig.
F. Fortunini producente, et quanto a'
fui in Vescovato sole ... [illegible]
onne, ne altre volte da' [illegible]
fu' mandato ... [illegible] de' [illegible]
o altri a' ritornar onne a Porto et ne
fu' [illegible] nella [illegible] fu' misurato il Vino

Addens sono 30 anni in circa che sto a S. Zuane
in Casalta, et ho sempre sentito dire che il
Vino che si paga in Vescovato si paga
misura di S. Zuane

et facto gratia per [illegible]
et questo che ciò [illegible] detto è [illegible]
q. Olivo Rosso di S. Zuane [illegible]

Int.o rispose dio udi a' misurarlo; ma [illegible]
li [illegible] ;

[illegible] se so qu. anno ne qu. anni siano
sole è molto tempo

Deposito igitur [illegible] si recte [illegible] concludi
quod non [illegible] ..., nec firmat quod
[illegible] facta [illegible], et a [illegible]
[illegible] ad [illegible] ... [illegible]

Licet in Vinc. fuisset melioratus (quod tamen non videt [illegible]) in melioratione illius Terre, tamen non inde inferri posset quod ad eandem meliorationem mittet sint ex vestibus refectione, postquam aut non assignat hoc tunc temporis factum fuisse, [illegible] tatem, quia decrescebant meliorationes Episcopatus; unde Et quod hoc contenderet, tamen attendendo quod melioramenta postmodum ad equalitatem redacta fuissent cum [illegible]

[illegible]

Gaspar Plantius in ord. q. [illegible] deponit de auditu [illegible] fol. 103

anzi esso era un fattore de Vescovato chiamato Bartolomeo [illegible], il quale dovera a S. Juane [illegible] interesse, [illegible] et il Vescovato dei creditori de medesimo a [illegible] di S. Juane.

Et ulterius

Le case a lui dati [illegible] fattore del [illegible] Vescovo [illegible] [illegible]

5. nihil probat, ad nihil concludit, ~~[illegible]~~
deprimitur Epus testim. in hoc continetur, quod
Episcopatus exegerit a[illegible] Fuscianus, et
Receptio [illegible] fuerit ad mensam s.ti Joannis; ~~[illegible]~~
potuit namq. ~~[illegible]~~ esse quod extiterit in mensa
Portus [illegible] s.ti Joannis, sed non ad illam
mensam Receptio Centuriis fuerit;
Sed Bonus Abbas ad quid [illegible], tantum
nempe Test[illegible] pro probando [illegible] facti,
Si [illegible], et Receptio fuerunt ei ~~[illegible]~~ facta,
et tum non extiterint?
Si ad mensam s.ti Joa. ex[illegible] Fuscianus [illegible]
utiq. ex [illegible] Receptio [illegible] quot annis [illegible],
Sic firmarent, non attentarent 5. probatio probata
quod loquuntur non de mensa Portus [illegible] s.ti Joa.
Sed Concordia, et Episcopatus
5. Marcant. Adalardi [illegible] in [illegible] s.s
rettulit [illegible], iam annis ferè quo
~~[illegible]~~ condonasse [illegible] ad eius Pre ad [illegible] Roma s.ti
Joa. de [illegible] Fusciani, et centu[illegible]
dis Solvi [illegible] Episcopatu [illegible] ad mensam
Portus [illegible] s.ti Joannis, inter eius Receptio quot
annis ~~[illegible]~~ [illegible] (sed eas non presentat); Unde, [illegible]
Sic nihil probat; tum quia est [illegible] quia
effectus [illegible] potentiore [illegible]; ~~[illegible]~~
~~[illegible]~~; tum quia computus facti [illegible]

Episcopatus dicit non intervenisse; Tum denique
quis ignorat an in ~~[illegible]~~ Receptis factis ab
exactoribus ~~fuerit~~, et in computis factis cum q.
eius Pre, fuerit aucta media libra Vini pro
qualibet Urna ad effectum ~~[illegible]~~ redigendi eam
ad mensuram Episcopatus; quae omnia stabiliuntur [illegible]
debebant cum ipsis Receptis solutionum, et ad eorum
[illegible] [illegible], et [illegible] intellectarum.

Et Ioan. Battista a [illegible], in ordine 6. dicunt fere
totum Pane di [illegible], quia licet sit Terris
et Tuscanella, et sit Confinium, et ipse
Episcopatus, [illegible] veritatem dicit omnino falsum
Quia 1o [illegible] fol. 108 ter. B. patet quod tam Vina
et Biada [illegible], quae et Tuscanella [illegible]
cum mensuris Episcopatus

io so che Biane, et Vino si misuravano
nel Vescovato nelle misure. Si teneva
il Fattore in d.o Vescovato.

Modem fol. 109 ter.

io non so a che [illegible] facesse il [illegible]
ma io intesi che si facesse a misura
di Vescovato

Item [illegible] Testimonii [illegible] mai fatti [illegible] Conto [illegible]
[illegible] di Vescovato, et a questa misura si facessero
[illegible] [illegible] fatti assai volte, [illegible]
hanno fatto a misura [illegible]

Quis [illegible] ultra? Dixit non deponit de visu, sed
de visu ex facto proprio, et probat scivisse
et exacte fuisse in [illegible]
et non [illegible] et in [illegible]
[illegible] Evanatus [illegible]
[illegible] certo [illegible] et [illegible] dubitari [illegible]
[illegible] quam [illegible] fuisset, [illegible]
[illegible] contentus in [illegible]

Soa Evanatus in [illegible] idem affirmat
ut est videre ex illius depositione [illegible]
interrogatus [illegible] 112 [illegible]

se il Fattore è [illegible]
Vettorari, o ad altra [illegible]

Respondit [illegible]
[illegible] io [illegible] non so [illegible]; [illegible]
[illegible] la facesse a [illegible] Vettori

[illegible] Magarai, [illegible] nihil concludat
non est attendendus quia [illegible]
et ideo [illegible] ad [illegible] ex [illegible]
[illegible] quod nihil [illegible] quo [illegible]
[illegible] [illegible] [illegible] quas [illegible] ab
[illegible] [illegible], et quod [illegible]
in [illegible] Portus [illegible] ad
[illegible] redigerant [illegible] [illegible]
[illegible] ignorat. Unde non ponit in [illegible]

cum ut ipse dixi in relatione in dicta causa in qua Illustrissimum
fulmina[illegible] rescripta Urnas, sed ad [illegible] Illustrissimum [illegible]
[illegible] ~~[illegible]~~ Rectorem [illegible] Fiscaleno;
et [illegible] [illegible] labori.
et [illegible] sunt tenus ipsum, et cum non exhiberetur
[illegible]. et quod contra ipsum [illegible]

Ultimus Testis in ord. 9.^s nihil aliud deposuit nisi
quod Illustrissimus Portus [illegible] eadem ut audivit
dicere, ac Illustrissimus [illegible]: sed detexit, et
manifestat falsitatem duorum aliorum Testium nempe
6.^ti et septimi ante ipsum examinatorum; qui
interrogatus a quo hoc audivit respondit
"Me l'hanno detto li coloni che pagano in
Vescovado e particolarmente da quelli che
~~Testimonij~~ che sono stati essaminati."
Et [illegible] interrogat ~~[illegible]~~ illum et ~~Fiscum~~
Ad [illegible] respondent quod non sunt cos[illegible]
nec intellexit
Unde de Primo ad ultimum et [illegible] et [illegible]
Reus in hoc iudicio [illegible] nihil [illegible]
[illegible] indicari non potest pro [illegible] Fiscaleno;
Cum cum agatur de annua [illegible] ab eo [illegible]
et ab illius maioribus quod annis factas
pro [illegible] [illegible], pro quibus [illegible]

eis facta fuerint Receptae, cuius Ecc.ae [illegible] erint ostensa, nec unquam exhibita in iud.o pro [illegible] dicti asserti, cuius Testes multos patiuntur exceptiones, nec concludunt, ut singulariter [illegible] una quaque [illegible] eorum demonstrari;

Jus pro Episcopatu quo est in Possess.e exhibendi ad Propriam Mentem, indicando [illegible] Se[illegible] hac manutenendus in dicta Possess.e [illegible] ~~[illegible]~~ ~~[illegible]~~ Possessionis pro ~~[illegible]~~ ~~[illegible]~~ eorum [illegible] dict. Testes ~~[illegible]~~

Sed Ill.mus, et R.mus Episcopus [illegible] pro [illegible] pro defensione eius integritatis, q.e causae, et ut Ex.mi [illegible] a Gentilis attentari videret plura fundamenta [illegible] ~~[illegible]~~ Vnusquisque quorum valet ad obtinendu ut manuteneatur.

Primo fovet Sic. Exisstimo necessitatem particulariter; quod [illegible] eius [illegible], fuit M.ri [illegible] [illegible] [illegible] exemata [illegible] [illegible], pro [illegible] [illegible] Episcopatus ut exigere [illegible] Blada et Vina in [illegible] a [illegible] Recognitis et approbatis; [illegible] [illegible] gradata indicata fuit [illegible] 26 Augusti [illegible] quod Blada [illegible] [illegible] in intellectu, et quoad Vina [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]

immediate Ecclesiae Tutelae non Episcopali ut fol.
2 ter. A

Attamen Monasterium et Monachos dicti ordinis agens, ut dixi, firma
et optima fide [illegible] ~~[illegible]~~ exhibit
fundamentis, ~~ad~~ quibus [illegible], [illegible]
tradere voluntatem ad eandem [illegible] sed [illegible]
Vni ~~[illegible] ex [illegible] status [illegible]~~, tacendo,
~~et [illegible]~~ tradere non potuerunt

Dicit [illegible] se esse Episcopum [illegible], et
non Portusgruarii, sed [illegible]; Unde ad
[illegible] illius [illegible], et antiquitatem
Civitatis, et non [illegible] debere [illegible]
eius [illegible], et [illegible]

Addit, et [illegible] Pontifice ob [illegible]
[illegible] sedem episcopalem [illegible]
Portusgruarii; non [illegible] Privilegia, [illegible]; et
[illegible] Episcopalia, quae [illegible]
[illegible] civitate [illegible], [illegible]
[illegible] in Bulla, et [illegible]
[illegible], [illegible], [illegible] ad eandem
[illegible] Concordiae, ad [illegible] tunc [illegible] inde ac
[illegible] apud [illegible] ~~et~~ in dicta civitate [illegible], et [illegible]
[illegible] declaratum quod [illegible] non [illegible]
Titulus, nomen Episcopi, et Episcopus [illegible] Episcopalia
remanserunt intacta, ut [illegible] in [illegible] fol. 28 ter.

X

Verum ne alio multi [illegible] est seu esse potest [illegible]
Sedis Episcopus [illegible] dict. de concordia [illegible]
~~exigebat~~ ut ad mensam Portugaliae, sed hoc [illegible]
fortasse tunc, ubi erat in esse; sed illius unitas
eius portionis exigebat [illegible] cum ex mutatione sedis [illegible]
aliquod [illegible] mensae Episcopi, ut [illegible]
quod ad eandem mensam [illegible] debeat. Et quod
licet a [illegible] Episcoporum [illegible] ad aliam [illegible]
(quod tamen non apparet, ubi fuit probatum) tamen attendi
non deberet; cum Rector seu Episcopus non potuit
[illegible] eorum [illegible] ~~[illegible]~~ eo quia
~~[illegible]~~ est semper [illegible] [illegible] [illegible]
in [illegible] [illegible] ~~[illegible]~~ [illegible]
in [illegible] in integrum ad concord.
[illegible] in integr. [illegible] [illegible]
[illegible] pro 2° [illegible] Episcopatus quod [illegible]
Praecessores fuerunt quoque [illegible] mensae [illegible]
ex ut Portugaliae [illegible], ut [illegible]
[illegible] constat, et [illegible]
nec [illegible] (unde hoc unum ~~[illegible]~~
sufficeret ad indubitabilem Victoriam [illegible]
Probat [illegible] Partis in [illegible] 4. [illegible]
Item [illegible] ab [illegible] ad [illegible]
qui pro tempore fuerunt ab anno 1581 [illegible]
[illegible] et seqq. [illegible] ~~[illegible]~~ [illegible]
[illegible] quod [illegible] debitores [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible]

dicto certis [illegible] ut, nisi a Contrariis in
eadem Mensura, et [illegible] augmenti
exigissent
Postquam ulterius cum aliquibus [illegible] anno [illegible] facti a
[illegible] Episcopis [illegible] exegerunt, cum
Renuntiatione, et exactoribus [illegible]
Episcopatus de quibus in Processu fol. 31. 33. B
36 ter. C, 40 ter. B. et 44 ter. P. in quibus
[illegible] quod [illegible] augmenti
Mensuram [illegible] a Mensura Portugalliae ad [illegible]
Concordiae [illegible] per Contrarios
[illegible] 1655 [illegible] exactore
inde [illegible] quod [illegible] Mensuram
[illegible] et [illegible] Episcopalium [illegible] ad Mensuram
Concordiae, et non Portugalliae, quam [illegible]
factae exactores antea [illegible]
ad dictum augmentum [illegible], et ipsi [illegible] idem exigissent
ab [illegible], et [illegible] Contrariis;
5° Si verum, imo verum est, quod [illegible]
fuerint facta ad Mensuram Concordiae, [illegible] Episcopi
[illegible] consequens est, [illegible] ad
Mensuram [illegible]
[illegible] Fateamini
et [illegible] maxime [illegible] absurdum [illegible] quod
[illegible] Episcopus [illegible] ad Mensuram
eius

innanzi al Luogotenente e sua Corte

Difesa del Giovine Giovanni [illegible] in una

accusa criminale

[illegible] [illegible] [illegible]

Nelle molte et grandi insolenze seguite [illegible] [illegible] [illegible] alla

[illegible] [illegible] [illegible] corte contro il [illegible] [illegible]

et [illegible] [illegible] [illegible] del [illegible] [illegible] [illegible] [illegible]

conformarsi alle leggi separatamente [illegible] in [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

nalità, conditione, et età [illegible] [illegible]

[illegible] a fine di vedere [illegible] [illegible]

[illegible] da [illegible] [illegible]

Ingiustizie nelle persone, alle quali [illegible]

[illegible]

[illegible], et se venne [illegible], et

[illegible] [illegible] in quelli

[illegible] [illegible] [illegible] di chi [illegible]

et che all'incontro [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] di qualità [illegible]

[illegible], et [illegible] [illegible]

[illegible] et violente; [illegible] [illegible]

[illegible] depositioni de testimonii [illegible] [illegible]

[illegible]

[illegible] Vra Ill.ma et [illegible]
[illegible] concernente la detta
[illegible]

[illegible] et dispositioni
de' sudetti quattro Testimonii. La prima [illegible]
luna [illegible] a Pisa [illegible]
[illegible] Lavorante di maestro Piero Filoni [illegible]
sopra ~~[illegible]~~ [illegible]
dell'armi di quelli che in [illegible] [illegible] ~~[illegible]~~
~~[illegible]~~ esser stato presente al fatto, [illegible] operanti
di [illegible] et [illegible] in tutti quali erano [illegible]
[illegible] Pistola o altra arme al [illegible] [illegible]
fol. 8 tergo.
[illegible] che [illegible] a [illegible]
[illegible] armi di [illegible]
[illegible] Sauitino [illegible] in
[illegible] [illegible]
[illegible] il segno che [illegible]
(che [illegible] Stabilita [illegible]) [illegible] in
[illegible], [illegible], [illegible]
l'altri armi [illegible] et [illegible] la Pistola
[illegible]
[illegible] la [illegible] [illegible] fatto [illegible]
[illegible], [illegible] a tali Armi [illegible] questo
[illegible] [illegible] Pistola
sopra il X.° cap.° di [illegible]
[illegible], et [illegible]

[illegible] Ill.mo [illegible] ad [illegible] che è il [illegible]
qui a ddimandato se ad alcuno [illegible] armi [illegible]
segni: risponde ni [illegible]

mai segnati [illegible] ch'io [illegible] armi d'alcuno
[illegible] ad alcuno di loro

[illegible]
[illegible] nulla [illegible]

Et se [illegible] nel progresso della [illegible]
[illegible] in [illegible],
[illegible] Pistola in mano
[illegible]
[illegible]
[illegible] compiste [illegible]

Con [illegible]
[illegible]
[illegible] il Pittore [illegible] Pistola [illegible]
[illegible] che [illegible] d'altri che dal [illegible]
[illegible], et [illegible]

[illegible]
[illegible] la vita [illegible] necessariamente [illegible]
[illegible] arma [illegible]
~~[illegible]~~ [illegible] ~~[illegible]~~
[illegible] mani ~~[illegible]~~ [illegible]
[illegible] armato di Pittore [illegible] Pistola [illegible]
che [illegible] questa qualità [illegible]
[illegible] Pistola in mano, [illegible] ~~[illegible]~~ [illegible]

[illegible] il [illegible]

il mio [illegible] Giovanni [illegible] da Venezia [illegible]

[illegible] dai [illegible] mentre [illegible]

[illegible] di quattro [illegible]

quella, lancia [illegible] in mano [illegible]

[illegible] lancia uno, [illegible]

[illegible]

[illegible] da questi testimoni [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible], [illegible] carne et [illegible]

[illegible] offitiali, [illegible] non ostante [illegible]

[illegible] seguente a quel [illegible] in casa del [illegible]

[illegible]

[illegible]

come [illegible] della [illegible]

[illegible]

[illegible] attione [illegible] veduta

[illegible]

et [illegible]

[illegible]

[illegible] credevan [illegible]

[illegible]

[illegible] mai ammar [illegible] nelli
[illegible] di tutti [illegible]

[illegible] quanto et numero, et qualità
[illegible] Celeste, [illegible]
[illegible] esaminati a detta sopra il 6° caso, quali [illegible]
[illegible] attennano [illegible]
[illegible], et altri [illegible] quali seebono [illegible]
[illegible], et un testimonio [illegible] dalla [illegible]
scrittura del [illegible], tendendo [illegible]
[illegible], [illegible]
sempre che si [illegible] ne giudici admetteran
[illegible] sete. [illegible]
[illegible] in compagnia [illegible]
[illegible] et [illegible]
Dottori, che [illegible] attesero che [illegible] et
[illegible] stata [illegible] stazione di [illegible] et indi [illegible]
[illegible] che [illegible], imaginando [illegible] dei
compagni, et proporzione;

[illegible]
[illegible] numero [illegible] dalle [illegible], le quali antivedendo
[illegible] et quasi inconvenienti [illegible]
[illegible] troveranno alcuni, terminarono [illegible]
[illegible] et Prudenza [illegible]
[illegible] comunicare [illegible]; [illegible]
[illegible] [illegible] nell' investigare, [illegible],
[illegible], la condizione [illegible] loro [illegible]

et fine, che cioè si sono uditi et l'incauta istanze di lui
e gli, i donni e l'attioni sue, o mai vennte et
le sue... amici ... di quali come i quali vengono
terminati ... aver machine di cadena, et
in tutte ...
credendo ...

Mostitani, che tutte concorrono, ne che una sola in ...
... in considerazione ... concorrono
di scoprire che ... stanza ... ...
e tutte ... come ... , et in
caso di ... Piolla fol. 26 ... il ...
tronatte ... in ... del d. ... , ...
come si ... in ... sopra ...
... .

e ... di lui qualità ... un giocatore ...
come ... affermano ... fol. ...
e ... al di lui fine, et ... dal ...
dal d. Prattistagno contro di lui ... examinare.
... ... inimicitia ...
... inimicitia ...
che fu ... nelli quali ... criminale
i attioni ... di giocare, et ...
... in quello ... come ... affermare stato
ucciso dal d. Prattistagno ... compagno, et amico
... come ... amicitia ...
sopra ... di ...

[illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] così [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] anche che [illegible]
[illegible] [illegible] [illegible], et [illegible] altro che [illegible]
[illegible] [illegible] [illegible] innocenza [illegible]
[illegible] in [illegible] dalle [illegible] [illegible] [illegible] che
[illegible] [illegible] dalla [illegible] che la sacrosanta
[illegible] [illegible] [illegible] [illegible] far ne Prudentiss.mo
et [illegible] [illegible] di [illegible] [illegible] [illegible]
[illegible], et [illegible] [illegible] [illegible] un [illegible]
[illegible] [illegible] [illegible], nulla pazienza di male, anzi
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. La quale [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] le [illegible] cose, et [illegible] [illegible] [illegible]
[illegible] all' [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] a [illegible] [illegible] [illegible] [illegible]
di [illegible] [illegible] [illegible] fabro [illegible] in ordine [illegible]
quale [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible] tra il [illegible]
[illegible] [illegible] al [illegible] d'Aquileia [illegible]
[illegible], acciò che [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible], che quelli [illegible] [illegible] bisogno [illegible] [illegible]

Come [illegible] [illegible] [illegible].

Et che realmente [illegible] la medesma [illegible] quella [illegible], che [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dalle "Proprietà delle Parole" che [illegible] questo [illegible] [illegible], [illegible] et [illegible] di questi [illegible] [illegible] in [illegible] giorni al giorno [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] o [illegible]. ~~[illegible]~~

Rebuttata [illegible] [illegible] della [illegible] [illegible], altro [illegible] nel [illegible] Giovanni [illegible]; [illegible] [illegible] alla [illegible] le fece [illegible] il male [illegible] [illegible], et [illegible] altramente [illegible] [illegible] [illegible] accorte [illegible] [illegible] [illegible] difficile [illegible] [illegible] [illegible] [illegible]

[illegible] il [illegible] Giovanni [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ritrovatosi accidentalmente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in questo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] il [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et il [illegible] il [illegible] [illegible] conforme il [illegible] costume sotto il [illegible] [illegible] Proprio [illegible] d'habitatione sopra la [illegible] [illegible] [illegible] il [illegible] se ne stava il [illegible] [illegible] e [illegible] ~~[illegible]~~ [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ritrovava il Grande et Compagno [illegible] il dire necessariamente, che il [illegible] [illegible] [illegible] il [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quando [illegible] [illegible]

ai corona; ma ben di esser a quelli inferiore in [illegible]
et poco di [illegible] e tanto a' suoi intelletti anco le
loro operationi ~~in quelle~~ aliene a fatto d'attendere
[illegible] come [illegible] [illegible] ignorance dei fabri, mentre
ad esse venendo addimandato il [illegible] [illegible]
infestassero il [illegible] [illegible] [illegible] di
[illegible] &

[illegible] ne diede [illegible] [illegible] [illegible]
alcune [illegible]

[illegible] [illegible] [illegible] di tutti; [illegible] [illegible]
[illegible] [illegible], come anco [illegible] [illegible]
n'[illegible], che [illegible] affermano [illegible] sopra il
[illegible]

Et [illegible] [illegible] [illegible] [illegible] [illegible] et il
[illegible], et altro [illegible] [illegible] [illegible] [illegible]
a fine, [illegible] [illegible] [illegible] [illegible] male, come sarebbe
[illegible]; [illegible] [illegible] [illegible] [illegible] maniera di
[illegible] [illegible] [illegible]

[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] alle
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ~~di~~ [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible], che [illegible]
~~imparassero dell'anima [illegible]~~, che questi facessero
[illegible] ~~appunto~~, et che in [illegible] [illegible] [illegible]
[illegible], et finalmente [illegible] [illegible] [illegible]
la [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]

costumi [illegible] del S.r Grimani, et la quiete, modestia, et accuratezza dell'altro nel servire [illegible]
Padrone.

[illegible], ma se unite con tanti affettati sarebbero [illegible] a [illegible] le [illegible] e dal Grimani introdotte p[er] conservatione delle sue malitie [illegible] et [illegible] il [illegible] et [illegible] in ragioni [illegible] questi [illegible] si [illegible] [illegible] a [illegible] [illegible] et [illegible] Prudenza [illegible] quel [illegible] gt. [illegible] si potrebbe portare [illegible] che saranno ricevere in ottima parte l'osservationi del S.r Grimani [illegible] [illegible] al male et [illegible] et che [illegible] a [illegible] absolutori come [illegible] [illegible]

[illegible] [illegible] [illegible] arrivarono [illegible]
[illegible] [illegible] [illegible] quella, e [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] di [illegible] il [illegible]
[illegible] [illegible] [illegible] [illegible]
e il [illegible] Giovanni Frabistagno [illegible] [illegible]
[illegible] [illegible] detta come [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Illustrissima [illegible] [illegible].

Agunt et proponunt [illegible] [illegible] [illegible]
[illegible] Bencheny [illegible]
[illegible] Joann. [illegible]
nec non [illegible] 2
[illegible]
[illegible]
[illegible] in eius [illegible] anno 15[illegible]
[illegible]
[illegible]
[illegible]
[illegible] de iure
[illegible]

I Scrittura [illegible] Broggucco.
[illegible] dalla Porta [illegible]
II [illegible] Causa [illegible]
[illegible] Rosso.

Agunt et proponunt [illegible] [illegible] et [illegible] [illegible] Luis [illegible] et Iulie de Brassiano [illegible] [illegible] contra [illegible] [illegible] D. Ioannis [illegible] [illegible] nel novo [illegible] [illegible] mag. [illegible] Nicolai de Brassano eiusdem [illegible] in eius Testamento [illegible] anno 15[illegible] [illegible] [illegible] instantias [illegible]

[illegible]

[illegible] in [illegible] [illegible]

[illegible] et [illegible] per [illegible] contra

extremum vitæ [illegible] [illegible]

[illegible] [illegible]

[illegible] quo [illegible]

[illegible] Mag. Dni Joannis [illegible] et [illegible]

[illegible] [illegible]

[illegible] suis [illegible]

[illegible] omnium [illegible] suo [illegible]

[illegible] Testamento [illegible] dispositionem [illegible]

[illegible] modum facere procurauit, et fecit.

[illegible] migrare contigerit, [illegible]

[illegible] altissimo [illegible]

[illegible]

[illegible]
...ularis mentio [illegible]
...omnibus autem [illegible]
[illegible]
[illegible]
...et [illegible]
[illegible]
... legitimos, et naturales, et de legitimo matrimonio [illegible]
[illegible] ducebit
[illegible]
[illegible]
... Testatoris, seu [illegible]
[illegible]

[illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] dd. Commissariorum, et in casu mortis [illegible]
[illegible] aut elegit [illegible] Commissarijs [illegible]
[illegible] et [illegible] [illegible] suas filias [illegible]
[illegible] [illegible]

[illegible] in fidem [illegible]

[illegible]

[illegible]

[illegible]

Fratrum de Frampere [illegible] et praefata D. Iulia ipsiusmet [illegible] Filias et [illegible] [illegible]
[illegible] conventos ad [illegible] dictis [illegible]
singula dona, quae idem D. Vincentius [illegible] eam
[illegible] restituisse [illegible]

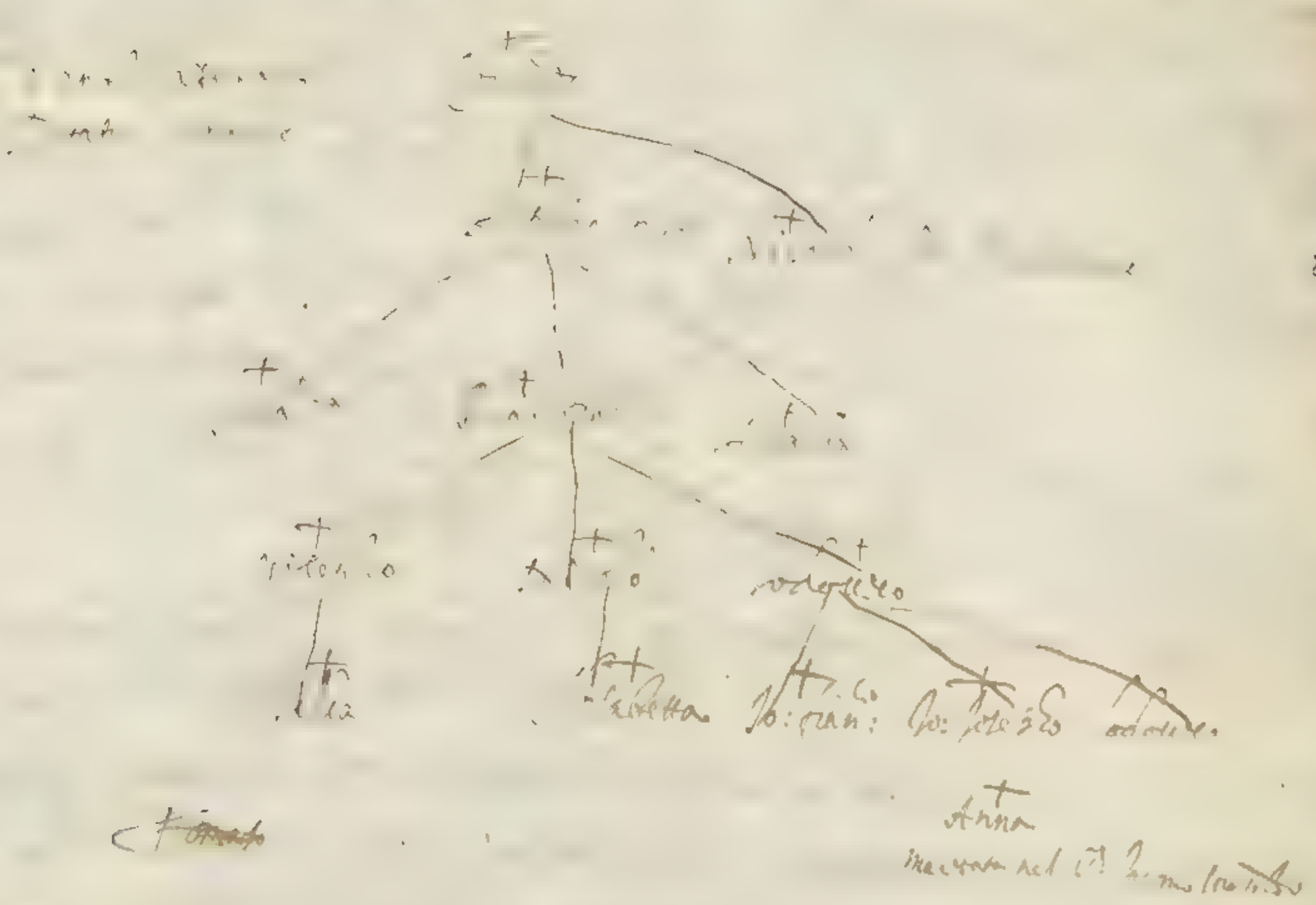
[illegible]

[illegible] Antonius [illegible]

[illegible] consti[illegible] [illegible] [illegible]
[illegible]

[illegible]

[illegible] aliquis [illegible]
[illegible] ordinato inter
[illegible]
[illegible] et [illegible]
[illegible]



Et, atteso per il testamento del q. Daniel sud.o non solla Casa Baliana; ma ottimamente [illegible], la sua heredità [illegible] delle [illegible] dell' [illegible] Ballardi, [illegible] fosi nelli suoi descendenti conforme alle [illegible] [illegible] ordinate et ultimamente nel q. Zuo: [illegible] del q. [illegible] Ballardi [illegible] no maschio della famiglia [illegible] [illegible] questo fece donatione [illegible] [illegible] [illegible] [illegible] [illegible] Anna [illegible] [illegible] [illegible] [illegible] Anna [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] maschio [illegible] dalla [illegible] [illegible] [illegible] [illegible] principali [illegible] sopra li [illegible] [illegible] [illegible] [illegible] così sopra l'uno, come sopra l'altro.

[illegible]

[illegible]

[illegible] d. donna Uanolta esclusa dal [illegible]
[illegible] Glosa in l. In questo la ver. decernimus [illegible]
[illegible] d. aute. [illegible]
[illegible] perpetua [illegible]
[illegible] vol. [illegible] Mi[illegible]
159 n.º 7 2.º volum: et altri molti:

[illegible] la [illegible] le statuente [illegible] il favore de masc[illegible]
[illegible] contra dal [illegible]
[illegible] statuto [illegible]
[illegible] una [illegible] favore dei masch[illegible] volessero declinar
[illegible] contra la le[illegible] favore [illegible] de heredi[illegible]
[illegible] nel [illegible] le morte [illegible]
[illegible] [illegible] suo ma[illegible] et [illegible]
[illegible] la heredita [illegible] Vid. Liber

Vedere più oltre [illegible]
[illegible] contra [illegible]
[illegible] de heredità [illegible] et contra il testo della Lege Prima Cod:
de his qui ant aperit. Tabu: [illegible]

[illegible] Detto [illegible] sara [illegible] del [illegible] il restado [illegible]
[illegible] heredita [illegible] suo [illegible] Ded. [illegible]
[illegible] [illegible]: Onde non più
[illegible] mendo alla [illegible] successione [illegible]
[illegible] Anna [illegible] morta [illegible] le [illegible]
[illegible] [illegible] de [illegible]
[illegible] nel tempo della sua morte [illegible] de [illegible]
[illegible] [illegible]
[illegible]

considero [illegible] maschi [illegible] dalli [illegible] della [illegible]

et [illegible] parerà [illegible] che [illegible] nel [illegible]

[illegible] può [illegible] della [illegible]

[illegible] anco [illegible] et [illegible]

[illegible]

[illegible]

Quello [illegible] può [illegible] et [illegible]

[illegible] ma io [illegible] il [illegible]

[illegible]

[illegible] dell' [illegible] maschio [illegible]

[illegible] esclusione

ma [illegible] et [illegible]

[illegible] anco [illegible]

[illegible] nel [illegible] ne [illegible]

[illegible] ma [illegible]

[illegible] maschi [illegible]

[illegible] il tempo

[illegible] ma [illegible]

[illegible]

[illegible] et [illegible]

esclusa [illegible] da i maschi [illegible]

[illegible]

[illegible] altra [illegible]

[illegible] il maschio da [illegible]

[illegible]

[illegible]

[illegible] l'affermare [illegible] la detta [illegible], [illegible]
[illegible] nel [illegible] nel [illegible] Volu. [illegible]
[illegible] et è [illegible] Verità [illegible]
[illegible] la [illegible]. [illegible]
[illegible] appellar [illegible]
nel [illegible] volu. [illegible] ancora [illegible]
natura [illegible] mano [illegible]
[illegible] nel
[illegible] con [illegible]
[illegible] à natura de
[illegible] all'odio [illegible]
[illegible], et la natura [illegible]
[illegible] Ma [illegible]
[illegible] il natura de [illegible]
ne [illegible] communicata [illegible]
[illegible] nasce [illegible], et [illegible] termina con la morte
[illegible] et [illegible] reintegrata [illegible]
con la [illegible], et [illegible] vivendo [illegible]:

Questa [illegible] del sangue, della casa, della famiglia [illegible]
[illegible]
[illegible] et [illegible] ~~[illegible]~~ veramente [illegible] restare [illegible]
sangue da lei [illegible]: [illegible]
[illegible] nel
[illegible] 4.° et uno [illegible] una volta herede [illegible]
[illegible]
[illegible] ~~[illegible]~~ che [illegible]. et [illegible] et [illegible]

[illegible]

tra qui parimente nella pr[illegible] è da maraviglarsi [illegible] S. Sede la [illegible]

[illegible] posto [illegible] mentre

[illegible] o transattioni [illegible] nelle pr[illegible]

heredi [illegible] si può [illegible] al [illegible]

[illegible] figura [illegible] alle pr[illegible] [illegible]

[illegible] si tratta di pregiuditio di grado

[illegible] gallo [illegible]

di [illegible] [illegible] mancando [illegible]

[illegible] Constitutione nel [illegible] integrità, nella reintegratione [illegible]

[illegible] sempre [illegible]

di [illegible]

[illegible] sempre [illegible]

[illegible] heredità [illegible]

[illegible] nel [illegible] et [illegible]

[illegible] allegazioni [illegible]

[illegible] punto [illegible]

[illegible]

[illegible] n.° 29 [illegible] et [illegible]

[illegible] et differenti, [illegible] legge [illegible]

[illegible] legge Papiniano [illegible] del Minor [illegible]

[illegible]

[illegible] tempo [illegible]

[illegible]

immaginato di [illegible] il detto in [illegible], et i testatori vogliano [illegible] mai le estranee [illegible] alle loro legge [illegible] di [illegible] le [illegible] [illegible] et [illegible] [illegible], [illegible] [illegible] [illegible] altro espresso dal testatore [illegible] [illegible], [illegible] [illegible] [illegible] legge [illegible] [illegible] de [illegible] et [illegible] legge [illegible] [illegible] [illegible] de [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] alla [illegible] mente del testatore legge [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Giudice la Glosa

[illegible] [illegible] [illegible] [illegible] [illegible] nel [illegible] [illegible] [illegible] testatore [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] ne [illegible] [illegible] [illegible] alle [illegible] discendenti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] il testatore [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et alle [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], ne [illegible] altra [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et conseguentemente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] discendenti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] testatore, [illegible] del [illegible] [illegible]: et [illegible] [illegible] [illegible].

[illegible]

[illegible] ed una [illegible] però [illegible] che è chiaro, che la volontà del testatore deve essere la prima avvertita, e prendendo quella, ed osservando il [illegible] particolarmente [illegible] Cons. 67 n.° 9 et Cons. 23 n.° 3. [illegible] conviene [illegible] esse [illegible] et [illegible] [illegible] [illegible] deve [illegible] esser considerata [illegible] della del testatore [illegible] grande, [illegible] Patrone [illegible] testo [illegible] altra [illegible] per [illegible]: ~~[illegible]~~

[illegible] erano [illegible] anche [illegible] volontà del [illegible] avere [illegible] descendenti [illegible] all' [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] il [illegible] [illegible] [illegible] [illegible] [illegible] Cons. 646 n.° 97 [illegible] [illegible] [illegible] considerata [illegible] volontà [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et particolarmente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] colonna [illegible] [illegible] [illegible] nel Cons. [illegible] n.° [illegible] [illegible] [illegible] de [illegible] [illegible] 166 n.° 56 [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] numero [illegible] il [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] d'autorità al [illegible] nel n.° 12 [illegible] al 20 [illegible] [illegible] [illegible]

[illegible]

ove [illegible] della [illegible] [illegible] [illegible] [illegible] [illegible] erano in [illegible]

Dal [illegible] [illegible] [illegible] [illegible] [illegible] erano [illegible]

All'altro [illegible] essendo la [illegible] [illegible] di [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ma mancando poi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] della famiglia et molti i [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] anco la dispositione, et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] di [illegible] mancando [illegible] altri [illegible] [illegible] [illegible] reintegrati [illegible] [illegible]

n.° 7 [illegible] di fare altro [illegible]

[illegible] reintegrata essendo [illegible] [illegible] temporale [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

della

Nella [illegible] ne' [illegible] con [illegible] detto [illegible] come [illegible] di ... [illegible]
[illegible] in [illegible] anno [illegible] [illegible]
[illegible] [illegible] et molti [illegible] [illegible] resolutione
[illegible] [illegible] mancò in [illegible]
[illegible] et [illegible] [illegible]
ne parla [illegible] il Paulo de [illegible] nel [illegible]
volum. 2° et dalle [illegible] da lui [illegible] [illegible]
[illegible] et [illegible] [illegible] del [illegible]
[illegible] [illegible] medesimi
[illegible] etc.

[illegible] detto et [illegible] et [illegible] [illegible] [illegible]
dalla [illegible] ~~dette~~ [illegible] dalle [illegible] [illegible] et [illegible]
~~[illegible]~~ [illegible] [illegible] et [illegible]
[illegible] [illegible] alcuno. et
[illegible] et [illegible] [illegible] et
[illegible] [illegible] alla quale
[illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
Compagni [illegible] ~~[illegible]~~ [illegible] [illegible]
[illegible]

Resolve [illegible] intrando [illegible] some [illegible] alcuni considerat[i] [illegible] [illegible]
rettatore, et sopra il fatto della [illegible] [illegible] [illegible]

Il [illegible] D[ottor] [illegible] Padre, che è [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ne et [illegible] [illegible] [illegible] a suo gusto. Chiamò [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
nelle parole [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] mancando [illegible] [illegible] [illegible] [illegible] maschi

[illegible] [illegible] [illegible] esclusa dal [illegible] maschio [illegible] [illegible], ma [illegible]
[illegible] [illegible] [illegible] [illegible] de' heredi [illegible] heredes [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ancora ella [illegible] [illegible] delle [illegible]
[illegible] [illegible] [illegible] [illegible] chiamata [illegible] [illegible] [illegible] [illegible]
fideicom[isso] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible]
ne, et parentela [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Montorte, et [illegible]
[illegible] altra famiglia [illegible] considerata [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible]. tutte [illegible] [illegible] il nome [illegible] [illegible]
[illegible] [illegible] [illegible] dette [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] intelletto giuditio, et dentro, et tutto
[illegible] deva esser considerata [illegible] nella [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

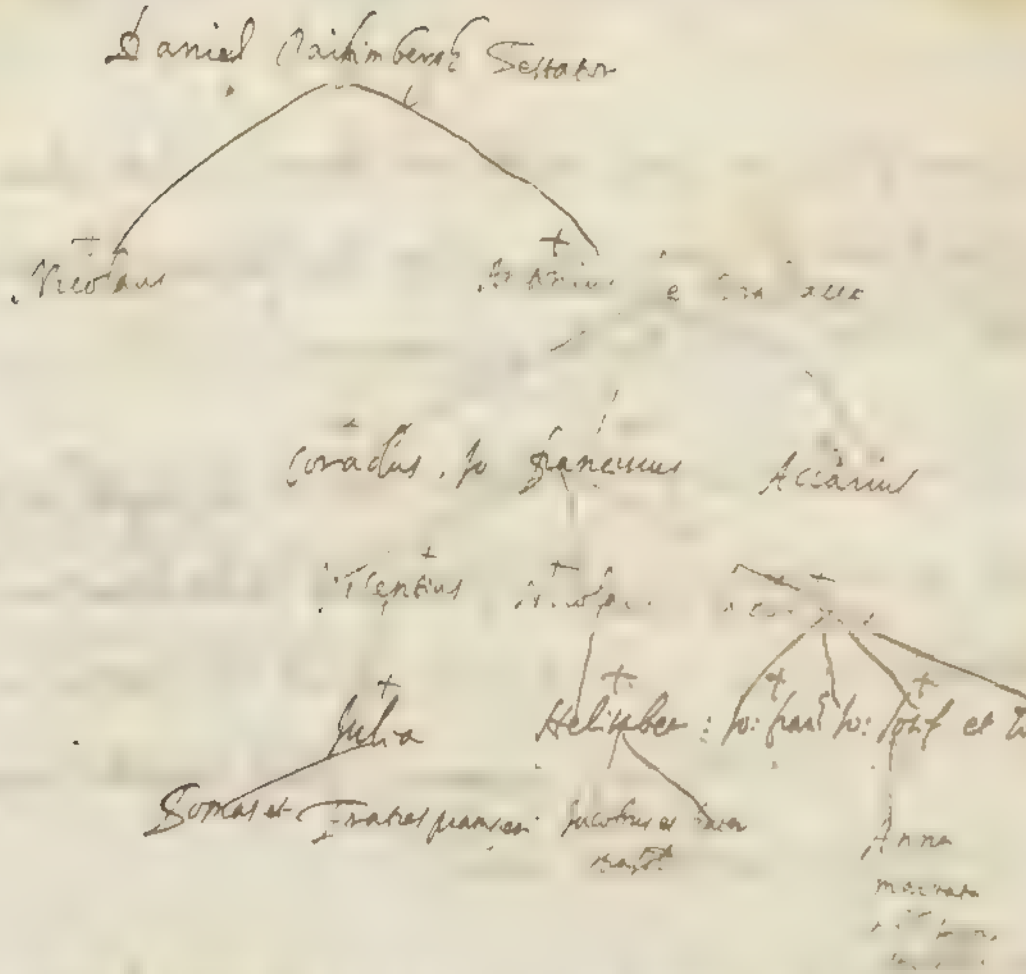
Justus Paulus de Castro [illegible]

li Cardinali [illegible] et [illegible], [illegible] come allegate: [illegible] nella
[illegible] contra la famiglia del Card. Alex. Cons. 56 n°. 4° vol.
4° Decius in [illegible] n° 25 de regulis iuris, et in cons. 287
n° 12. Cons. 230 n° 11 lib. 2. Cravetta Cons. 67 n° 9 et altri appa-
-rirà [illegible] è vero [illegible] ultimo termine d-
[illegible] natura et [illegible]
[illegible] più et peggior [illegible]
[illegible].

[illegible] è contrario [illegible] quando alle [illegible]
[illegible] et volontà, [illegible] continuamente [illegible] alli [illegible]
[illegible]
[illegible]
[illegible]
[illegible] famiglia della
[illegible] descendenti [illegible]
[illegible] descendenti [illegible]
[illegible] Comune: [illegible]
[illegible] volontà del testatore [illegible] moltitudine
et [illegible] descendenti [illegible] famiglie
[illegible] natura [illegible]
[illegible]
[illegible]

Aggiungasi alli [illegible]

considerationi [illegible] conclude nel processo d'esso n.°, [illegible] nelli [illegible]
[illegible] al p. [illegible] testatore et [illegible] [illegible] [illegible] [illegible]
ando, et d'altre al l'animo [illegible] [illegible] esse coheredi [illegible]
[illegible] di ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]
date al suo offerire; Ma [illegible] [illegible] di [illegible] [illegible]
i volesse [illegible] [illegible] [illegible] [illegible] appoggiandosi alle sue
resolutioni et [illegible] [illegible] [illegible] [illegible] l'affettione [illegible]
[illegible] del [illegible] testatore verso [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], et [illegible] [illegible] [illegible] del [illegible] [illegible]
[illegible] [illegible] [illegible] della [illegible] [illegible] [illegible] [illegible]
si [illegible] [illegible] [illegible] ~~[illegible] [illegible] [illegible] [illegible]~~
~~[illegible] [illegible] [illegible] [illegible] [illegible]~~. [illegible] [illegible]
[illegible] [illegible] [illegible] da una al [illegible] [illegible] l'una a l'altra
[illegible], ne meno d'una [illegible] a l'altra. et [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
ne [illegible] ultima volunta [illegible] [illegible] [illegible] il [illegible] nel [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] 43 [illegible] [illegible]
volumini [illegible] et habet [illegible] in esse [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible]. [illegible] [illegible] nel [illegible] [illegible] volumen 5.° in fine



Anno 1499 [illegible] Daniel [illegible]
[illegible]
[illegible] videlicet [illegible] Nicolaus [illegible]
[illegible] fratres [illegible] Conradus [illegible] Accarius, et [illegible] Jo: Francinus fratres
[illegible] nec non liberos mares ex [illegible] Nicolao et [illegible]
fratribus [illegible]
[illegible] liberum [illegible] ex [illegible]
[illegible] substituens unum alteri, [illegible] in alios [illegible]
[illegible] nullus [illegible]
[illegible] valeat aliquo modo [illegible]
[illegible]

[illegible]

[illegible] [illegible] dno [illegible] [illegible] [illegible] dno [illegible] patri eius
[illegible] cum tamen [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] preest, et [illegible] dno [illegible]
[illegible] [illegible] [illegible] [illegible] non valere donationem dni eius [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Dni Danielis et [illegible] consequentiam [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] et [illegible] [illegible]

Dico Dnum Danielem testatorem in [illegible] suo testamento vocasse quidem primo masculos descendentes ex [illegible] ab eo [illegible] [illegible] recipere [illegible] masculis autem deficientibus vocasse et feminas [illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible].
Nam [illegible] est appellatione heredis, [illegible] [illegible], et descend[illegible] [illegible]
omnes utriusque sexus [illegible] in [illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] descendentes ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] donationes suorum bonorum [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] videtur [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], et omnes alios descendentium
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible]

atque aeternae [illegible] [illegible] [illegible]
quamvis [illegible] [illegible] [illegible] [illegible] [illegible] quid
[illegible] [illegible] [illegible] tenere [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible] Rubens
[illegible]

Daniel Raitemburg Tevaen Antiq[illegible] [illegible]

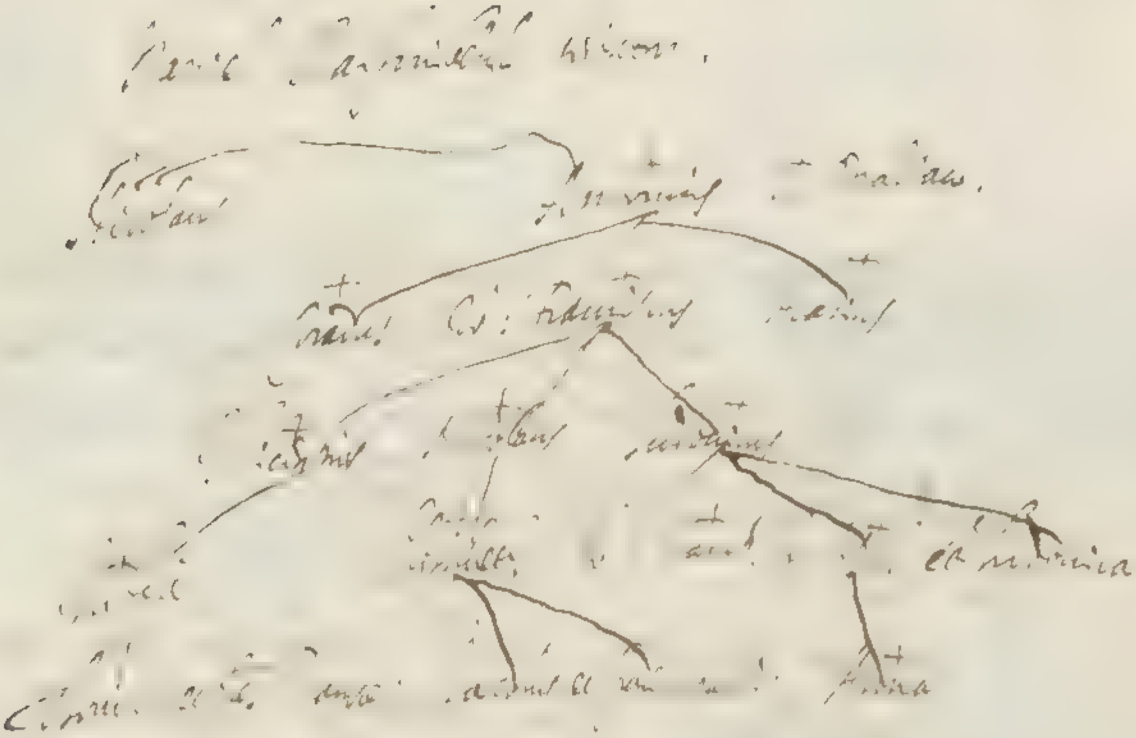
[illegible] [illegible] Antia

Hob. mus Ant. q. Hob. mis Conradi et Onallaw anno 1593 [illegible] [illegible] aliamus [illegible] [illegible] [illegible] [illegible] [illegible] omis fains, deinde [illegible] [illegible] [illegible] domus eius [illegible] [illegible] [illegible] in via St. Christophi [illegible] [illegible] [illegible] et Capitulis, et montanos in Carinthia, dictas et [illegible] et [illegible]; tandem [illegible] ad nominationem [illegible] [illegible] [illegible] Hob. [illegible] Franciscus [illegible] filius et filiis [illegible] [illegible] de [illegible] [illegible] Hob. mis Zibila illius uxoris [illegible]; [illegible] [illegible] filius et nepotes [illegible] [illegible], et [illegible] quoq. [illegible] ex eis [illegible] [illegible] [illegible] Hob. ma Ludovica filia q. mi Ludovici. Hob. mus [illegible] [illegible] filius [illegible] [illegible] [illegible] disposuit [illegible] [illegible] [illegible] mi Anni eius filius ac [illegible] mi Caroli et Mariae [illegible] [illegible] et omnibus bonis [illegible] et de illis etiam [illegible] [illegible] [illegible] [illegible]; Hanc [illegible] ma Ludovica [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in illius [illegible], et [illegible] [illegible] [illegible] mi [illegible] ad [illegible] [illegible] mi Caroli [illegible] eius [illegible] illi [illegible] [illegible] [illegible] bonis [illegible] [illegible] [illegible] Et [illegible] [illegible] [illegible]

nec enim [illegible] secundo [illegible] [illegible] hidonica [illegible]
etiam alias vocatur [illegible] particulari fideicommisso, et [illegible]
[illegible] nil [illegible] [illegible] de [illegible] [illegible]. Et ratio
est, quoniam primo dei [illegible], per illa verba, [illegible]
sub fideicommisso [illegible] [illegible] nil aliud adiectum sit, de
[illegible] fideicommissarii non fuerit, [illegible], nullus particulari
[illegible] [illegible] fideicommissum, [illegible] .n. et in particularibus
fideicommissis [illegible] [illegible] [illegible] ad [illegible] expressum in l.
Paulus [illegible] [illegible] ff. [illegible] [illegible]. Et deinde [illegible]
quod fideicommissum [illegible] fuerit, quia non filius, et
[illegible] [illegible] [illegible] [illegible], ipsos quoque [illegible] [illegible]
[illegible] [illegible] [illegible] quia quos [illegible] [illegible]
[illegible] et [illegible], nihilominus [illegible] hidonica
[illegible] [illegible] vocata. Nam [illegible] [illegible] ad [illegible]
[illegible] vocavit [illegible] [illegible], et [illegible] [illegible] ipsi filio
et [illegible] [illegible] [illegible] [illegible] et [illegible], nec ultra
[illegible] [illegible] illos [illegible] vocavit, ipsos etiam [illegible] [illegible]
[illegible] particulari fideicommisso [illegible], et [illegible] ipsi
[illegible] [illegible] [illegible] post [illegible] [illegible] [illegible]
vocari fuerit, nullo alio [illegible] [illegible] unde [illegible]
de ipsa [illegible] ad [illegible] [illegible], [illegible] quod in
[illegible] expiravit [illegible] fideicommissum, et quod [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]

Mũ Ludovica [illegible] [illegible] valeat, et ita [illegible]
meliori consilio salvo.

Ego Christophorus Rubens I.V.D.
de Collegio [illegible].



Anno 1599. 20. Sept. decedens D. Daniel hic ultimum condidit testamentum, in quo omissis aliquibus legatis, in omnibus deinde suis [illegible] et [illegible] [illegible] et [illegible]

D. Nicolaum et D. Antonium fratres de Cravaco, q. Conradi et Ricardi, et D. [illegible] fratres et filios dicti D. Antonij, nec non filios [illegible] ex [illegible]

D. Nicolao, et D. Ant. fratribus nascituros aequalibus portionibus, substituendo in [illegible] ordine [illegible] [illegible] liberis masculis ex [illegible] legitimo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ita quod nullus [illegible] [illegible] et [illegible] [illegible] nec [illegible] aliquo modo [illegible] dicta hereditate [illegible] [illegible] [illegible] attinentis.

Ipsi [illegible] Ant. fratres [illegible] [illegible] [illegible] [illegible] hereditatem dicti q. D. Danielis [illegible] [illegible] ad [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] dicta familia de Cravaco, qui anno 16[illegible] [illegible] [illegible]

omnium horumque bonorum, proutque ea pervenerunt Dnae Annae [illegible]

a Dno Nicolao Stabbe dicti generi sui Dno [illegible] eiusdem [illegible]

qui tandem Dna Anna anno 1629 de bonis his disponendo [illegible]

[illegible] indixit Dni N. [illegible] eius maritus.

Nunc Dna Ludovica filia [illegible] q. Dni Ludovici, baron N. [illegible]

et [illegible] Dni [illegible], intendit quod bona [illegible] Dni [illegible]

[illegible] donato [illegible] eius [illegible], nec [illegible] eius [illegible]

sed bona ista ad illam spectare et pertinere, uti vocatam [illegible]

[illegible] et [illegible] tenere

ea [illegible], et [illegible] quid [illegible]

[illegible]

[illegible] maioris [illegible] omnis [illegible]

[illegible] vocati et [illegible]

ista verba, Et [illegible] ad [illegible]

et [illegible] et [illegible], nam [illegible] est

[illegible] descendentes omnes

[illegible] descendentes in [illegible]

et [illegible] Dna Ludovica vocata [illegible]

[illegible] omnique [illegible] alienationibus

[illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

retinendi [illegible] a [illegible] [illegible] P. camerae [illegible] et

prosequendis reclamanda, de quibus in eo est facta [illegible] quidem

minime tenent, cum ipsa [illegible] [illegible] [illegible]

proinde relaxationem obtinuerit etc. et ita [illegible] [illegible]

alio prudentiori [illegible].

Christophorus Rubens
I.V.D. et adv.

Olderico dalla Rotta

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] de [illegible]

Factu[m] ips[um] quo [illegible] venit [illegible] ex[illegible] extend[illegible]
in petitione [illegible] parte [illegible]
ac [illegible]
[illegible]
[illegible]
[illegible] impugnat[illegible] a [illegible]
[illegible]
[illegible] 2 [illegible]
[illegible] reliquu[m] est [illegible] 2.
[illegible]
[illegible]
[illegible]
[illegible] Causa[m] adducit
[illegible]
[illegible]
[illegible]
[illegible]
ad [illegible]
a [illegible]
[illegible]
[illegible]
N[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

sitis pro sua portione [illegible]; sed, omnes [illegible] quibus ad [illegible] et exemplum esse ostendit

Quod [illegible] ad hec casus [illegible] agere voluit, et ipsum convenire

[illegible] Stephanus [illegible] [illegible] nostre ab [illegible] [illegible], et [illegible]

[illegible]

[illegible]

[illegible]

[illegible] propterea [illegible]

[illegible]

[illegible]

[illegible]

[illegible], et alijs [illegible] apparent [illegible]

[illegible]

[illegible] ad anus Manuele [illegible]

[illegible]

usque de anno 1619, ut ex [illegible] colligitur fol. 29, et ex subsequentibus apparet

[illegible] reddere ad [illegible] ex concessa extare [illegible]

[illegible]

[illegible]

[illegible]

nō poterit debitores huius conuenire

Utrumque vero ne [illegible] [illegible] tractat [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

Qui res emit [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] obligatur [illegible]
conuenire [illegible]

[illegible] in [illegible] [illegible] ab agendo in
[illegible] [illegible] [illegible] [illegible] nec [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] exegit [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible]
ut [illegible] ex [illegible] [illegible]
annorum [illegible]; Tamen nihil umquam
consequi potuit ab illo [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] potendes ipsi ab
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] eidem [illegible]
[illegible], et idcirco ad [illegible] [illegible]
[illegible] [illegible] annos [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
Quod [illegible] [illegible] debeat [illegible]
impedimentum ab [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]; [illegible] impedimentum [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

Quod autem attinet ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible]

[illegible] ex [illegible] [illegible] Dni
[illegible] factis petitionibus Dni [illegible]
et [illegible] hoc [illegible] [illegible] ante [illegible],
et iudicaliter [illegible] affinitate inter [illegible]
existente; tunc [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible]
denunciatione, [illegible] potuit [illegible] [illegible]
[illegible] [illegible] ut in casu [illegible] de denunciatio-
nibus [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] ut [illegible] [illegible] [illegible] [illegible]
[illegible], et in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
Modo [illegible] [illegible] [illegible] [illegible]
[illegible] facta denunciatio [illegible]
[illegible] ab [illegible] [illegible], et [illegible]
[illegible], nec [illegible] [illegible] denunciatione [illegible]
[illegible], et [illegible], [illegible]
Sed quid [illegible]? [illegible] ne, et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] qui de [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]? Conclusio fit itaque quod [illegible]
[illegible] teneat [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible]
[illegible], ac [illegible] [illegible]

[illegible] 1500 [illegible] [illegible], et [illegible] [illegible] ab
[illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] a [illegible] [illegible]
[illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], ita [illegible]
[illegible] ex [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et
[illegible] culpa, et mora [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
nihil [illegible] [illegible] [illegible], [illegible] [illegible]
ultimo loco [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]

Ita [illegible] [illegible] [illegible] [illegible]
Concludo [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

[illegible]

[illegible] abbondantemente [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] che il Sig.r [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Italico [illegible]

[illegible]

[illegible]

[illegible] dimandar, [illegible]

[illegible]

[illegible]

quel termine, che parerà meglio, alias [illegible]

[illegible]

[illegible] et [illegible] [illegible] et [illegible]
[illegible] [illegible] Dolfino, et [illegible]
[illegible] vengono opposti all'Ecc.mo
[illegible] [illegible] avanti all'Auttore
[illegible] consignato, [illegible]
[illegible]
obligati et loro Posessori [illegible]
[illegible]
maturerano [illegible]
[illegible]
Portione [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
tanto [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
desiderato [illegible]
[illegible]

Attione proposta dall [illegible] S. Franco di [illegible]
[illegible] S. [illegible] contro l'Ill.mo S.
Emilio di Sorianach [illegible]
così legati, et tutti [illegible]
alcuna maniera combattuta [illegible]
[illegible] il Credito dell'[illegible] S. [illegible]
[illegible] Anthiaco [illegible]
[illegible]
to S. Anthiaco, et in conseguenza Privilegiato
[illegible]
[illegible] S. Gio. Batta, et Mario Fratelli di
Sorianach [illegible] delli [illegible] del
[illegible] Parte et à buon conto [illegible]
venendole non solo [illegible] et
[illegible] di [illegible]
[illegible]
nell'heredità delli [illegible] suoi [illegible] successo
li volsero [illegible] pagam.ti dei annui Livelli
[illegible] et così reintegrando
il Potestà del [illegible]
Contraditori, et [illegible] de
Dolfino, et Loredano, et [illegible]
[illegible] conservarlo, ò ver [illegible] la volsparte
et [illegible] Capitale, et [illegible]
[illegible] Parte dei S. Sorianach [illegible]
all'Ill.mi [illegible]
[illegible]

aisse vano [illegible]

Qui [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] nel obligato [illegible]
[illegible]

Rispose, che [illegible] alla dimanda delli [illegible] [illegible] se anzi a' ponderare [illegible] et legale del [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] molte [illegible], che [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] se [illegible] se [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Qui [illegible] [illegible] [illegible] [illegible] quamdiu [illegible] [illegible]?

[illegible] nel caso [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pagani [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] che [illegible] [illegible] [illegible] [illegible] sodisfare [illegible] [illegible] delle dette [illegible] [illegible] [illegible], o in altra forma.

Rispose [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] negato [illegible] [illegible] venne [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] avvocati [illegible] [illegible]

medi se sono stati possibili [illegible] potuto
[illegible] come si vede dalli Precetti firmati
[illegible] stato privato, ex [illegible] dal
[illegible]
[illegible]
[illegible] dal S.r [illegible]
[illegible] S.r [illegible]
[illegible]
[illegible]
[illegible], se si [illegible]
[illegible] vede dalli [illegible], [illegible] alli
quali [illegible]
[illegible] del S.r [illegible]
[illegible]
[illegible], ex [illegible]
[illegible]
hanno [illegible]
[illegible]
[illegible] direttamente
almeno indiretto, [illegible]
[illegible]
[illegible], che [illegible]
Patria [illegible] trattati [illegible]
a' [illegible]
[illegible] vostra [illegible]
[illegible]), ma
[illegible]
[illegible]
[illegible] come [illegible]

[illegible] onde [illegible] [illegible] obligare [illegible] al [illegible] non deve [illegible] essendo [illegible]
obligato mantenere [illegible] del [illegible] del medesimo [illegible] [illegible] indisposizione de' [illegible] [illegible] tempo [illegible] [illegible] [illegible] vno [illegible]

[illegible]
[illegible]
[illegible]

[illegible]

Cap. 5e [illegible]

[illegible]

effegnato [illegible]

[illegible]

[illegible]

[illegible]

[illegible] et ~~[illegible]~~ [illegible] che [illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible]
et [illegible]
[illegible] del [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
~~[illegible]~~
[illegible]
[illegible] ~~[illegible]~~
~~[illegible]~~ [illegible]
[illegible]
[illegible]
[illegible]
~~[illegible]~~ [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

In me agens in extre intendens nob. [illegible]
[illegible] ex [illegible] de [illegible] [illegible]
[illegible] [illegible] ejus Uxoris [illegible]
[illegible] nob. [illegible] de [illegible]
et adventus nob. [illegible] ex nob. [illegible]
[illegible] haredis qq. nob. [illegible]
ex Mariæ [illegible] ejus Patre, et [illegible]
[illegible] nostri [illegible]
~~[illegible]~~ q. nob. [illegible] de [illegible]
in facta [illegible] ab intestato de anno [illegible]
[illegible] descendentibus Unde
[illegible] ut Proximiores [illegible]
[illegible] nob. [illegible] de [illegible]
[illegible]
[illegible] Equit. [illegible]
[illegible]
[illegible]
[illegible] hæredes [illegible] et Vin[illegible]
[illegible] in hæreditate [illegible]
[illegible]
pro [illegible] ~~[illegible]~~
~~[illegible]~~ [illegible] aquista
ab [illegible]
Ubi [illegible] inter [illegible]
[illegible]
Ven[illegible] hæreditas ipsa [illegible]
[illegible]

[illegible] ; idcirco fuisse a [illegible] confidentiae et
[illegible] electo [illegible]
[illegible] [illegible]
[illegible] eidem [illegible] assignat[illegible]
[illegible] specialiter
[illegible]
[illegible] inde [illegible]
[illegible] probat
Addit [illegible] aliquo tempore [illegible]
[illegible] debitas;
[illegible] eidem [illegible]
[illegible] debitores [illegible]
[illegible] fuisse [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
mediante [illegible]
[illegible] 20 [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 500 [illegible]
[illegible]
[illegible]

Scritture legali

dell'avvocato Conte Uldarico della Porta

di Udine, 1635–65

[illegible]

[illegible] Et [illegible]

natura [illegible]

[illegible]

[illegible] da' dar fede, infelice era [illegible]

[illegible] il fatto fra loro [illegible]

[illegible]

[illegible] ragione [illegible]

il sud.o Grimaldi attaccato [illegible] [illegible] [illegible] vedemo [illegible]

Pare all'Umiss.o [illegible] che le ragioni [illegible]

[illegible] Locatelli [illegible] [illegible] Sig.r [illegible] di rappresentanze

[illegible]

in atto di rendere ragione

Tuttavolta le considerationi suddette [illegible] in questo caso; ne [illegible] dal querelante, per ottenere questi [illegible] [illegible], o [illegible] dal Processo [illegible]; anzi che

[illegible] [illegible], [illegible] li sud.i Locatelli, et Grimaldi [illegible] Private [illegible] Private [illegible] Provocatione dell'Locatelli [illegible], et in tempo che [illegible] la ragione [illegible]

[illegible] atto di render ragione

[illegible]

[illegible] [illegible] venendo anco [illegible], che stava [illegible]

et [illegible] [illegible] al solito [illegible] in loco [illegible]

stanza [illegible] onde ancora [illegible] in questo [illegible]

[illegible] [illegible] [illegible]

[illegible] altri [illegible] [illegible] et [illegible]

[illegible] [illegible], et [illegible] [illegible]

[illegible] [illegible] in loco ove si [illegible]

[illegible] [illegible] [illegible] [illegible] parte [illegible]

et [illegible] il [illegible] [illegible] [illegible]

et [illegible]

[illegible]

[illegible], havendo anco [illegible] il tutto [illegible]

[illegible]

essendo di natura [illegible] [illegible]

[illegible] [illegible] trattando [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] tutto [illegible] [illegible]

[illegible]

[illegible]

a [illegible]

Primaldi [illegible] Antonio seguì [illegible]

caricato ~~[illegible]~~ ; che domandò [illegible]

restarsi mortificato in [illegible] ; andò in faccia al [illegible]

[illegible]

di [illegible] molto alterato che ne haveva fama il

[illegible] mostrarsi di questa maniera necessitando

ad alterarsi. Et trovando [illegible]

questo [illegible] Plenario [illegible] ad [illegible] ancor

a' maggiori ingiurie, come haverebbe [illegible] se il Primaldi

[illegible] di sua mano ad uno degli [illegible] porta

romano; ne haverebbe fatto [illegible]

[illegible] ritirarsi di Locatello [illegible]

[illegible]

Dal Locatello [illegible]

[illegible] le mani [illegible] mentre [illegible] havevano

[illegible] in faccia [illegible] mentre [illegible]

si ritirarono [illegible] anche [illegible]

[illegible] [illegible] come fece, havendo

[illegible] anche al Locatello molto [illegible] dolore

in morte, che il [illegible] ; et così [illegible]

il S. [illegible] ne havevano [illegible] di [illegible]

[illegible]

[illegible]

[illegible]

[illegible] esse [illegible]

[illegible] ? [illegible] [illegible]

[illegible] [illegible] locare [illegible] [illegible]

d'abitazione [illegible] [illegible] [illegible]

[illegible] lasciate il [illegible] [illegible]

[illegible]

atti [illegible] fatta [illegible] [illegible]

[illegible] [illegible] del [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] per [illegible] [illegible]

il [illegible] locatello [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible] [illegible]

del [illegible] locatario [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] contro [illegible] molti [illegible] [illegible] tale [illegible]

[illegible] [illegible]

[illegible] [illegible] del [illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible] che [illegible] [illegible]

[illegible]

[illegible] adìnàiù

uoe [illegible]

[illegible]

adeguata parte [illegible] Ad quella [illegible]

[illegible], et [illegible] [illegible] Ultimamente

[illegible] rimane [illegible] Regalia al sud.° Grimaldi, et [illegible]

[illegible] [illegible] come [illegible] nella

[illegible] Paulino et Andriano

[illegible]

[illegible] Grimaldi [illegible]

[illegible] fratelli [illegible] locatelli, et è stata

[illegible] [illegible] in grazia [illegible]

[illegible] dal [illegible]

[illegible] ma [illegible] dal

[illegible] contra il [illegible]

una [illegible] di [illegible], et

era [illegible] molta [illegible] al [illegible] Grimaldi

Poiche [illegible] il [illegible] che

[illegible] tali, che [illegible] [illegible]

[illegible]

un altro [illegible] [illegible]

[illegible] vendere [illegible]

[illegible] [illegible] propria casa

[illegible]

[illegible] però tutte, che [illegible], ne [illegible] Ro [illegible]

[illegible] d'una [illegible] il d.° campo [illegible]

al quale erano [illegible] locatelli [illegible] preparati [illegible]

[illegible] intimazioni

[illegible]

[illegible] quale [illegible] del [illegible]

[illegible] in quel luoghi [illegible]

altri che il [illegible] locatello [illegible] quello che

[illegible] [illegible]; [illegible] il [illegible]

[illegible] fede [illegible]

riprovato dalle leggi ... piace ~~[illegible]~~

et [illegible] del [illegible] ... che [illegible] parti ecco

[illegible] che [illegible] le cose [illegible]

dunque [illegible] il uccatello [illegible]

uccatello medesimo [illegible] a [illegible]

~~[illegible]~~ [illegible] dice [illegible] ~~[illegible]~~ e disse

nel [illegible] ~~[illegible]~~ [illegible]

risposi che come [illegible]

dei [illegible] [illegible] [illegible]

[illegible]

e [illegible] parte essenziale [illegible]

[illegible] come nel [illegible]

[illegible] ~~[illegible]~~

[illegible]

[illegible] dopo [illegible]

[illegible] attorno [illegible] rassegnando ; [illegible]

[illegible] rede [illegible]

[illegible] [illegible] come non

il [illegible] [illegible] [illegible]

quale il [illegible] fu dall' [illegible]

morte ; [illegible] [illegible]

[illegible] [illegible] tutti [illegible]

[illegible] [illegible] indegni di tra

in questo [illegible] sente in [illegible] alla

[illegible] ... le loro [illegible]

radie seguite di [illegible] d'anni questi [illegible]

et che incendendosi [illegible] ed equivalenti

Legge [illegible] maniera [illegible] nel [illegible] fra loro

[illegible] unione, et Pace la quale [illegible]

[illegible] rando, [illegible] già lungo tempo

bramata, et procurata il [illegible] che la Legge

[illegible]

già si è sopra bona confirmatione essendo [illegible]

a habitatione di [illegible] le [illegible]

[illegible]

a' [illegible] [illegible]

affettione mentre [illegible]

et [illegible]

et la Pace di quelle Provintie [illegible] assolutamente

[illegible] affetto [illegible]

[illegible] come [illegible]

[illegible]

[illegible]

[illegible]

quelle tante lettere chiare, et concertate

essere [illegible]

ad alcuna diffinitiva, [illegible] all'obtenere [illegible]

massime doppo le remostranze del P. Locatelli

quale viene [illegible]

[illegible] et [illegible]

che d'ottenere [illegible] con quella [illegible]

[illegible]

[illegible]

[illegible] rimente [illegible]

[illegible] Locatelli [illegible]

medesimo [illegible]

[illegible] Locatelli [illegible]

[illegible]

[illegible]

[illegible]

le med.e lettere [illegible] et

[illegible]

[illegible]

[illegible] molti [illegible]

di Mons. Locatelli [illegible]

[illegible] in [illegible] che il [illegible]

[illegible] all' [illegible] regione come

[illegible] : ma mentre come [illegible] [illegible] insieme

[illegible] in loggia conforme all' ordinario [illegible]

[illegible]

[illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] detti [illegible] essere

[illegible]

nell'affetto [illegible], [illegible] che [illegible]

si vederebbero oppresso [illegible] capitali [illegible] come

[illegible] trovato per multiplici [illegible]

[illegible] il [illegible]

[illegible] all' [illegible] il [illegible]

[illegible] [illegible] anche dal [illegible]

[illegible] che è la loggia [illegible]

[illegible] essendo [illegible]

questo Ministero [illegible]

[illegible] [illegible] come confessavano

[illegible] testimonii [illegible] di difesa [illegible]

[illegible] di dire [illegible]

[illegible]

Factum, est clarum, ideo non militat, potest enim facultas [illegible] [illegible], et [illegible] immerari.

[illegible] primâ facie [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] 1527
in [illegible] [illegible] [illegible] 5. [illegible] [illegible]
[illegible] [illegible], 6. [illegible] [illegible] 2. et 3.
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] etiam constat [illegible]
[illegible], [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible]
[illegible], et declaratio Ill.mi [illegible] [illegible] 17
Augusti fol. 6. [illegible] [illegible] [illegible] [illegible]
[illegible] in actis [illegible] [illegible] [illegible]
[illegible] 4. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] tamen non obstantibus [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible], et [illegible]
[illegible] in [illegible] [illegible] Augusti 1627, accedentibus

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] fœnoris [illegible] non [illegible]

et tam conuitionem, quam titulo [illegible], nec vi

aut metu fuisse extortum, postremo [illegible] [illegible]

[illegible] instrumentatis, cum contractus [illegible]

facte sint necessarij, et paratam habeant executionem

[illegible] Cod. de actionib. et obligat. et [illegible] in

commod. [illegible] enumeratis.

[illegible] in obitantibus, facto ex [illegible]

resultanti ~~[illegible]~~ metum [illegible], [illegible]

[illegible]; declarare in omnibus, iuxta

[illegible] [illegible] cum [illegible].

[illegible] [illegible] [illegible] [illegible]

~~[illegible]~~ ~~[illegible]~~ in [illegible]

[illegible] cum [illegible]

[illegible], ~~[illegible]~~ ubi [illegible], [illegible]

[illegible]

[illegible]

[illegible]

quo auxilio, ~~[illegible]~~ [illegible] stabiliat negatiua

propositam in Petitione, et remoueat causam [illegible]

[illegible] in [illegible] fuit [illegible] et [illegible] [illegible], [illegible]. [illegible] 23 [illegible] [illegible] tamen [illegible] habuit, vel [illegible] [illegible] [illegible] Concepta [illegible] numeravit, utique concludendo, [illegible] [illegible] [illegible] circumventam, inductamque ad [illegible] ad [illegible] [illegible], [illegible] [illegible] [illegible] noraverint [illegible], quam [illegible] non fecit, nec [illegible].

Petit Circumventio, et coactio, [illegible] [illegible] [illegible] professionis [illegible] Petri [illegible] Petris [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] 620. Convictio vero dictae [illegible] filiae suae, et pro qua [illegible], et [illegible] [illegible] die [illegible] Martii 6. [illegible], [illegible] [illegible]. Et hic procuratur a fautoribus [illegible] [illegible]. [illegible] dicta [illegible] [illegible] [illegible], panem coquere [illegible], primo [illegible] [illegible], quam [illegible] [illegible], quod [illegible] mirabile [illegible] [illegible] [illegible] [illegible], ut [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] impulsam, coactamque [illegible] ad [illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] instrumentis [illegible]

[illegible] unius filii [illegible], in [illegible]

intervenit, et [illegible] acceptam.

Praeterea in [illegible], Actu, et Convictione, [illegible]

[illegible] certo numero, et [illegible] [illegible] et tamen

[illegible] [illegible] [illegible] nec illos [illegible] [illegible]

nec ipsos [illegible] [illegible], ita [illegible] [illegible]

allegata responso ad petitionem facta.

[illegible]

Accedit, quod in Convictione, statuitur terminus

[illegible] [illegible] [illegible], [illegible] [illegible] [illegible],

[illegible] [illegible], singulis nempe mensibus

[illegible] unus vel [illegible] [illegible] quae longa

[illegible], et extravagans dilatio [illegible] [illegible]

[illegible] concessa, si debitum, et creditum respective

[illegible], verum, reale, et certum. [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] extravagan

[illegible] [illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] tempora et dati [illegible] anni.

[illegible], quod in Convictionis instrumento, nulla

[illegible], [illegible] causa debiti, et crediti [illegible]

[illegible], nec [illegible] an causa [illegible], vel alia [illegible]

[illegible] [illegible]. [illegible] [illegible] tamen [illegible] [illegible]

in instrumentis [illegible] [illegible] [illegible]

geri, et haec firmiter asseratur, ut memoria ~~[illegible]~~ ~~[illegible]~~ actorum, et eorum causa, [illegible] et futuris temporibus [illegible] [illegible] [illegible] [illegible] [illegible] fuit [illegible] hoc commissum, quia [illegible] nulla ~~nulla~~ [illegible] [illegible] causa, ac nullum [illegible] dubitet [illegible] [illegible] [illegible] ~~[illegible]~~ et [illegible] a iudice gravissime [illegible] [illegible], et a iure divino [illegible].

Tandem, [illegible] firmaria, dictis ~~et~~ [illegible] iustitia [illegible] [illegible], si coactam, [illegible] vim, et metum ac actum, et [illegible] ~~[illegible]~~ ~~[illegible]~~ [illegible] [illegible] [illegible].

~~Probavit enim [illegible] primum [illegible] ~~[illegible]~~ [illegible] [illegible] 27. ~~[illegible]~~ [illegible] [illegible] a [illegible] [illegible], [illegible] nulla [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] tamen ~~[illegible]~~ ~~[illegible]~~ [illegible] firmariae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].~~

Dabit haec veritas ex depositione [illegible] [illegible] [illegible]. [illegible] 9. [illegible] [illegible], in ordine quarta fol. 31. quae in hunc [illegible] [illegible]

[illegible] [illegible] intra [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible], et [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible]

nostro mante. [illegible] che perche' [illegible] sentito
a dire dal sudetto [illegible], et [illegible], et [illegible]
[illegible] ~~[illegible]~~

et parlo con prudenza quanto.

1. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Rursus ad[illegible] interrogatus [illegible] primo
[illegible] 29

Ho sentito a dire che la S.ra Olimpia
[illegible] [illegible] [illegible]
alcuni denari, dava [illegible] al [illegible]
mento della [illegible]; et anco [illegible]
[illegible] di Gentilhuomini [illegible]
[illegible]
[illegible] S.ri [illegible]
Ho sentito dire [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible]
[illegible]
[illegible] detto [illegible] confessi

et quod sic ut se habeat firmatur dicto [illegible] [illegible]
[illegible] [illegible] ultimo in [illegible] [illegible] [illegible]
[illegible] 32.

> Parlando [illegible] la strada nella [illegible] della S.ra
> [illegible] molto aperta, et molto serrata, et
> il S.r Mattia [illegible], con la S.ra [illegible], et tutto
> [illegible] [illegible], che si contrattavano
> insieme, et anche il mio viaggio, et io mi [illegible]
> [illegible] [illegible] [illegible] la mia porta piangendo, [illegible]
> [illegible], o signor, che mi vogliono far di una cosa
> [illegible], et questo è quanto mi [illegible].

Ex quibus ~~[illegible]~~ [illegible] apprehenditur, illa quaestio, et [illegible] facta
~~[illegible]~~ [illegible] [illegible]
licitissima, a [illegible] viris, quibus [illegible] [illegible]
[illegible] [illegible], ~~[illegible]~~ [illegible] Timori, et Timori
[illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] ut [illegible],
quae [illegible] [illegible], et [illegible] [illegible] maxime in
[illegible] in qua minor [illegible], ratione sexus, et fragilitatis;
[illegible] [illegible]. et singularis in Cap. [illegible] [illegible] ~~[illegible]~~ sponsa. ~~et~~
~~[illegible]~~ [illegible] ut ~~[illegible]~~ debeas [illegible] ipso ~~[illegible]~~
iure ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible].

Debet omnino iudicari ac certe [illegible] [illegible] [illegible] et [illegible]

[illegible] etiam perfecta in ipsa inspectione [illegible] [illegible] [illegible]

munitione [illegible] et [illegible] [illegible] [illegible]

R. P. [illegible] [illegible].

[illegible] mantellar [illegible] in [illegible]

[illegible] Italia [illegible] in

[illegible]

[illegible] del anno 1633. [illegible]

[illegible] ad [illegible] inter

[illegible]

[illegible]

[illegible]

no [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] quam [illegible]

[illegible] mar [illegible]

et multa [illegible]

mantel [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ~~[illegible]~~ [illegible]

in eo [illegible] [illegible] [illegible] ne
[illegible] [illegible] [illegible] et firmandi
[illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ a [illegible] Notarij [illegible] (ex
vi[illegible] facta collatione [illegible] quod
[illegible] [illegible] [illegible] quia in eo
continetur [illegible] ad [illegible]
in exemplari [illegible] et ad firmandum
[illegible] propterea Nob. D. Io. Bapta
[illegible] [illegible], et contra [illegible]
in Off.o [illegible] [illegible] [illegible] [illegible]
deputat. [illegible] ad liquidanda
[illegible] [illegible] vocarunt ad iudic.
pro [illegible] [illegible] et [illegible]
cum copia [illegible] et [illegible]
[illegible] [illegible] iudicio contradixit
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

citauit ad hoc tribunal cui habet
Notarium [illegible] Procuratoris
rogauit, ad hoc [illegible] inspecto Protocollo
ex [illegible] lata [illegible] excusari
[illegible]
omnia in [illegible]
clare colliguntur ex Processu
[illegible] causa [illegible] debeat
[illegible] quem [illegible]

Prima facie dicendum uideretur [illegible]
[illegible], et esse eo quod
constat [illegible] fuisse manu q.
[illegible] Matthioli Notarii [illegible]
[illegible] ex [illegible]
[illegible] fuisse a [illegible]
[illegible] in Constit. [illegible]
[illegible]. Vnde [illegible]
quod impugnare non potuit quod
semel approbauit.

[illegible] minime [illegible]

Contrariam opinionem veri veriorem, cum
vim communem amplector, et sequor, hinc
concludo [illegible] aut [illegible]
Procuratoris, inde sumptis standum esse
adeout si inter se sunt contraria
non copiae, sed originale attendi
[illegible] de [illegible] alleg. in Auth.
si quis in aliquo [illegible] Cod. de
edendo [illegible] in Auth. de [illegible]
§ illud quoque [illegible]
quod non credo [illegible]
originale producat.
At in casu nostro Haeredes Rini(?) [illegible]
[illegible] [illegible] [illegible]
mandata [illegible] adversus [illegible]
substantiam [illegible] in [illegible]
[illegible] decretum [illegible]
Procuratorium exemplati, in quo
[illegible] [illegible] [illegible]
[illegible] ea [illegible]

facta vero collatione dictae copiae
cum originali adinvenitur quod
ab eo differt et discordat ea
copia attendenda, et rescindenda
cum protocollis non aut exemplo
tali cancellandum [illegible]

Addo quod [illegible] notarius qui exemplum
dicti instrumenti confecit dicit
in authenticatione illius illud sumptum
ex eius protocollo et extensi-
onis.

Verum facta collatione dicti exempli
cum originali seu protocollo, constat
quod non concordat in substantialibus
sed discordat et adversatur, tunc
originale consistit [illegible]
Praeterea solummodo ad exigendam
copiam ex eo [illegible]
[illegible] veritatem [illegible]
sed et [illegible] et extinguendi

5.º concludendum quod huiusmodi
exemplo non est fides [illegible],
sed decernendum, quod originale
attendat potestatis exempti;
Nec obstat aut illud quod dicatur fuit
pro rei inventario quod cavitum est
ut ob. [illegible] Baptista in compromissis
[illegible] factis cum d. Sebastiano in
inventarium illius dat hanc
modi, et forma quibus legis
extentum [illegible] Francatione in
administrationem [illegible], quod
hoc [illegible] fuere anteq.
1556 [illegible] protocollum in quo
[illegible] fuerat [illegible] inventarium
[illegible], et facilitate copie
cognoscitur Unde nihil mirum;
[illegible] aut collatione de qua [illegible]
statim egit contra eius [illegible]
[illegible] copia [illegible] cum
[illegible] abolitione [illegible] [illegible]

ab originali quimimo eidem contrari in substantialibus
Et quod re vera mens, voluntas, et intentio olim q. Rom. mantice semper d. vas. Bapti... venit contrahend(i) ... in ... dumtaxat, ... ad ... clare ... eidem ... prohiber ... exactiones et de ... nihil ... ut in ... 36 ter, et 38 ... contrarii ... et ... de ...
Considera ... quod ... erat vir ... et ... in hac ...

Verisimile, quod nominatim ad hoc
Capitaneus mechanicis solvere,
et satisfacere laboreris, ea operas
Rivini; Itaque cum omnia dicta sint
concordanti ad hoc unum
sufficiat ad obtinendum; quod
exemplum Procuratoris et adversus
dictum dicunt in eta Constant[illegible]
exemplari ex Protocollis [illegible]
tamquam falso abolendum [illegible]
et tamquam falsum annullandum
in ipso Instrumento potest [illegible]
Si mantica procedere ad ulteriora
contra eius mechanicos (aliis similibus
puniendum in reliquis

item humiliter [illegible] [illegible]
[illegible] Ego [illegible]
Portam [illegible] salvo

Pro [illegible] Franc.o Cramario
contra
[illegible]

Dui sono le Capitoli de Credito a' quali è
Fran.co Ciamano Caligari, ex mercante
di Grani in questa Città la chiamato
in giud.o g. Gio: Mezo Zeriola;
+ l'Uno di questi discende dal suo nego:
di Grani, ex è stato fatto col robba
del medesimo;
L'altro deriva dalla Pretensa a' sui
fatta mentre il Zeriola si ritrovava
carcerato x il Delitto contratto col
Fondico come Fonticaro.
Nel Primo non v'è alcun Discrepanza
fra le Parti: che nei Prezzi, convenuto
nel [illegible] il Zeriola confessato il
suo Credito, ex la Veracità delle
Partite del Ciamano Attore;
Co' Fran.co il Cavarle ogni licenza di
Pretendere [illegible] come Parte
che tiene coi mercanti di Ven.a che
li mandano la robba, ex la
mostrato, che li la fu pagata a'
Prezzo che [illegible] [illegible]

ai Datij che si pagano à Sua Serenità
non resta un avanzo d'un soldo per
lira; havendo noi comprate le Vacchette
a' 3.26 la libra, et vendute
a' 3.27 compreso il [illegible], il Porto, et
altre spese; onde non vedo come,
ò fondam.to à potersi querelare. Poiche
è lecito ai Mercanti il guadagnare
entro i termini del giusto, et dell'
honesto; à che s'aggiunge la Fede che
si tiene alle Partite del giornale, mentre
affermano che così siano rimasti
d'accordo nelli Prezzi, onde non
si possono impugnare [illegible], essendo
massime in punto di giurare che
contengono [illegible] le sue
Partite.

Quanto veramente sia all'atto che dalle
[illegible], et [illegible] d'[illegible], [illegible]
[illegible] più resta convinto: [illegible]
certa cosa è [illegible] che [illegible].

si raccoglie dal Processo, che l'anno
1649 Gio: Diego Zenio di Fonticano
era rimasto debitore al Fontico.
onde per tal causa era stato carcerato
ad instanza di Gio: Andrea Pasqua ..
Pietro: stor per liberarsi il Galante
uomo cambiò il Pasqua co la Pietanza
di Gio: Paolo, et così fù dalle Prigioni
relassato. onde essendo longo absentato,
li Fonticani ne quittar, et manino
per oi duoi mancanti come da l'Ill.mo
V. Ecc. mio riverito figlio, insinuò
il .. loro Pietro nell'estate.
onde il ganano per la Pietanza altro
come Vostra passò a' lui quando si
leggie dai Relli nel Processo presentati.
et se bene nel detto non si dice che
il Zenio fosse il debitore, et se
a suo conto si pagava; ad ogni
modo chi manifesta non pregiudicarlo
alla Verità. et alla buona fede
del ganano, massime constando per Giustitia

Fede del S. Ragionato, che il Ciamano
in sua specialità non era debitore al
Fontico di summa alcuna come
in Processo fol. 12.

onde se pagò certa cosa è che ò fece
come Pie(?) di Zeniola, et non altre;
et che fusse vero che S. Fran.co Ciamano
non fusse debitore in sua specialità
lo provo; era cosa è che quelli
che sono debitori al Fontico non
puono esser ricevuti in Pieria per
maneggio, ò debito d'altri.
Hora S. Fran.co viene admesso, et
ricevuto in Pierania il Zeniola
et ad esso ... scarcerato di Prigione
dunq. lui non era debitore.
Considero in oltre, il debito del Zeniola
era certam.te, et per esso si ritrovava
lui Prigione
Hora se protesta che S. Fran.co Ciamano non
haveria pagato ... che si mostra

Olverici e sorta

d'haver dunque mi pagar? non si è
fatto, ne si fà;

Più; il debito del [illegible] era indubita-
to come sopra;

Il Pagamento d'esso è [illegible] fatto come
mi stesso mostrò con la Fede Presentata
di non esser debitore al Fontico
di cosa veruna; benche non mostra *(al incontro)*
d'havere [illegible]; dunque prima si è
fatto il [illegible], et non [illegible] altri;

Et se bene la Fede Presentata dal [illegible]
[illegible] dice che mi essendo stato
Uno delli Fonticari detti [illegible]
[illegible] compii d'intieramente pagar
il suo debito; ad ogni modo ciò
non obsta; Poiche per detta Fede non
esprime il tempo che saldò, et 2da [illegible]
non dechiara se per se o per altri ciò
facesse; Onde all'incontro mostrando
il [illegible] che li 8 8bre 1649

il Zeniola era Pring.e, et che in
Pre[illegible] [illegible] etti, et che pagò in 25 Genn.o
[illegible] luglio, che in 11 ottobre come
in Prov.etto fol. 4, et 5. ne segue
in consequenza che p. lui [illegible] fece;
Et che p. lui, et non p. altri [illegible]
fatto si ricava chiaro dal [illegible]
11 ottobre 1050, mentre appare che
il Zeniola stesso è [illegible] che in [illegible]
[illegible] [illegible] suo [illegible] contra [illegible] e
[illegible] [illegible] [illegible] riscuotendo tutti i pagam.ti ante=
cedenti [illegible] [illegible] denari di fatti
p. sua [illegible] tutta [illegible];
constando chiaro massime che il [illegible]
[illegible] p. altro che sono così contratto.
Tutta questa [illegible] e pur troppo
— Ne p. altri era obligato così medesimo
constituita dal Zeniola, sc. sene p.
[illegible] viene [illegible]. Et che
ciò sia vero ecco [illegible]
Pretende [illegible] d'obligar [illegible] Fran.co a [illegible]
in Pagam.to [illegible] [illegible] di Venetia

d' Valsenre d' più d' Cm.ti 500.

Non se lui no fusse debitore, a' che effetto articolare, che se havà promesso di pigliar la Casa, et hora [illegible]; l'ha fatto, et in [illegible] è debitore, et in conseguenza bisogna che paghi;

Né lo può fare [illegible] la d.a Casa come ha professato, et professa tuttavia; come che le obsta la Regola di ragione, che aliud pro alio come anco per che la Casa no è mai ma' della moglie, anzi dei Pupilli [illegible] mi [illegible] dal q. S. Gio: Batta Romolo [illegible], come appare dal testam.to [illegible] quello sarà congiunto;

Et però constando per la confessione di [illegible] Paiola: che lui è debitore delle Pesi di [illegible], et altro; et che i Pesi d'esso è [illegible]

al loro costo, et a' q.to' ha uenduto
anco agl'altri, et apparendo etiam
che Prezzi [illegible] giornano p. la [illegible]
[illegible] Zenola, et che [illegible] pagò
q.to si contiene nei Reg.ri del [illegible]
Bergam.o, sarà parte dell'incompara-
bil [illegible] dell'ecc.ma V. Ser.tà alla
cui Prudenza vorrà uoltare à avantaggi
[illegible] del Zenola mentre [illegible]
altra volta Bergam.e ottenne la
gratia del Vicariato uolto à [illegible]
et rigari ai suoi Giudici [illegible]
[illegible] che [illegible] da [illegible] come [illegible]
[illegible] Manino, et [illegible]
che le [illegible] eran stati machi-
nati, [illegible] il medesimo
[illegible] all'Instanza del giornano
[illegible] il [illegible] che
[illegible] instanza [illegible]
[illegible]
Tidendo [illegible]

[illegible] orta

[illegible] orta
[illegible] rectoris [illegible] utate [illegible]

[illegible] ad [illegible] quod alter [illegible]
[illegible] ipsa [illegible]
[illegible] et [illegible]
[illegible]
[illegible] alterius [illegible]
[illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible]
[illegible] [illegible]
[illegible] contra [illegible]
[illegible] et [illegible] [illegible] et [illegible]
256 [illegible] Fabij [illegible] contra [illegible]
[illegible]
260 contra D. [illegible] Fabium de anno 1617 [illegible]
[illegible] et [illegible] et [illegible]
[illegible]
[illegible] ad ipsius Votum.

Quapropter [illegible]
[illegible] ad [illegible]
[illegible] et [illegible]
[illegible] excedentis [illegible]
et [illegible]

[illegible]
[illegible]
[illegible]

et [illegible]

[illegible] ad [illegible] testament

[illegible] domus in [illegible] [illegible]

[illegible] 118 in [illegible] regestro fol. 18 ter; nec [illegible]

[illegible] [illegible] [illegible] [illegible] in Brandi-

[illegible] [illegible] subiectae [illegible] [illegible] [illegible]

[illegible] in quolibet anno; et actio [illegible]

[illegible] [illegible] debebat; et [illegible] [illegible]

[illegible] quia [illegible] [illegible] habebat

[illegible] [illegible] [illegible]

et [illegible] quae poterant omitti, et quia erant

[illegible] [illegible] expedire debebat [illegible]

[illegible] [illegible] ad [illegible] deductiones ex

[illegible] [illegible] quae [illegible] [illegible]

in [illegible] agendis [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] ex

[illegible], ut [illegible] ab ipso [illegible]

[illegible] expediant

[illegible] [illegible] hereditas [illegible]

[illegible] quae debebat [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ad [illegible] [illegible]

[illegible] hereditate, vel [illegible]

[illegible] debebat [illegible], et [illegible]

intellectu [illegible]

[illegible]

cuius [illegible] [illegible] imputari [illegible] [illegible]
[illegible] eo id [illegible] [illegible] [illegible], vel an
loco illius debeat [illegible] aliud [illegible] [illegible]
in [illegible] quantitate, attenta [illegible] [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] debeat [illegible]
[illegible] [illegible] [illegible] [illegible] ex quo [illegible] [illegible]
integrate [illegible] [illegible] haberi illius [illegible] [illegible]
Et an exceptione [illegible] non obstante debeat
[illegible] [illegible] [illegible] [illegible] dix [illegible] [illegible]

Hic [illegible] capite sunt [illegible] instrumento, et ad [illegible]
postea me [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible]

Procedo ad 1.m et dico [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] extendente [illegible] non obstantibus [illegible] Auctoritatis

[illegible] [illegible] quia [illegible] [illegible] [illegible] [illegible]
tali [illegible] communiter [illegible] [illegible] [illegible] [illegible]
et appellat ~~[illegible]~~ legis in toto [illegible] [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ 223 [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tractatus [illegible]

incumbit officii: Alcia. 291 et ib. dicit ten[illegible]
fuisse [illegible] a Card. Neapol. [illegible] antea ita
[illegible] nulla [illegible] Afflict. in [illegible] Capit.
Alcia. 65 in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] dicit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] inde [illegible]
deberent [illegible] [illegible] [illegible] [illegible] infra [illegible]
Cod. ex quibus Caus. infam. [illegible]
[illegible] [illegible] [illegible] a [illegible] [illegible] quod ne [illegible] [illegible]
[illegible] [illegible] utrumque deberent [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Baldo. in [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] 6 [illegible] [illegible] 5 [illegible] 6. 2 [illegible] [illegible] [illegible]
[illegible] [illegible] ut dicit [illegible] 284
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut nec [illegible]
aut [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] debere [illegible] [illegible] [illegible] [illegible] cons. 92
[illegible] 148 [illegible] in [illegible] cap. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dicemus
[illegible] [illegible] [illegible] unde se [illegible] nec ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in 5 [illegible] n° 6 [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 6.
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

ad Reamittie intentio quod [illegible]
ne dici inhabili [illegible]
d[illegible] sed nec deveriz [illegible]
[illegible] fuit qualis contentum [illegible]
[illegible] sed taliter intelligitur ad [illegible]
ad [illegible] modo [illegible]
[illegible] in [illegible]
[illegible]
[illegible] Dess. in [illegible] Sedem. videat [illegible]
[illegible] et ab ea ad esse recedendum [illegible]
[illegible] quia [illegible] in [illegible] monet quod
[illegible]

Et dato ad [illegible]
est in [illegible] quod [illegible]
Et [illegible]
ad obtineret [illegible]
Ite quia [illegible] creditores [illegible]
[illegible] fuit [illegible]
et [illegible] creditores ipsius hereditatis [illegible] unde [illegible]
[illegible] in mora [illegible]
[illegible]
[illegible] ad mora [illegible]

[illegible] quae [illegible]
quae est [illegible]
[illegible]
ex [illegible]

[illegible] [illegible] [illegible] non teneretur ad interesse [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex ipsis [illegible] [illegible] [illegible] [illegible] 9°.

Sed [illegible] [illegible] [illegible] [illegible] habere [illegible] [illegible] [illegible] [illegible] [illegible] hereditatis [illegible] ad [illegible] [illegible] ad heredes, et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et deveniunt [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible], quod [illegible] [illegible] [illegible] [illegible] a die mortis [illegible];

[illegible] in hac [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] magis [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], cedat [illegible] [illegible] hereditatis [illegible] qui [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], in quo [illegible] minus legitime ex [illegible] reg. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] Romana [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

debent audiri, et eius attestationes exaudiri [illegible]
tentiam nos habentibus in dicta [illegible] civitate [illegible]
debet nullatenus assignatio ipsa salvo [illegible]
[illegible] agendi [illegible]
[illegible]
dentiam et illius bona eos tantum agendi
[illegible] contra nos de [illegible].
Sunt et nos [illegible] tandem [illegible] invenimus
[illegible] attemptasse [illegible]
[illegible]
[illegible] assignatis [illegible]
[illegible] igitur et in hac parte [illegible] [illegible]
ac condemnari ad emendationem [illegible] debet
[illegible] constat in processu, salva [illegible], de qua
[illegible] faciant [illegible] eisdem [illegible]
et in ipsa [illegible]
partes in processu [illegible]
[illegible], ut [illegible]
[illegible]
[illegible]
[illegible] inde [illegible]
[illegible]

Brixien. Codettus
[illegible]

Alterius [illegible]

Ill.mi [illegible] Baptista [illegible] [illegible] [illegible]

combatiit [illegible] contra [illegible] [illegible]

[illegible], et [illegible] [illegible]

[illegible] Codetti [illegible] relaxat

Bononia et [illegible] [illegible]

[illegible] et [illegible] [illegible] Sebastiani

[illegible] [illegible], eandem

[illegible] [illegible] [illegible]

[illegible], et Margarita Codetta [illegible]

[illegible] [illegible] [illegible]

excipiendo [illegible] [illegible] voluntatem

Sebast. [illegible] [illegible] [illegible]

[illegible] obtinuit ad [illegible]

Quapropter [illegible] [illegible] denuo

comparuit, et [illegible] fundamentum [illegible]

[illegible] ubi [illegible] [illegible] [illegible]

[illegible], dixit [illegible] [illegible]

[illegible] [illegible] [illegible]

celebrat. de anno 1565 [illegible]

inter [illegible] Sebastianum et [illegible]

in [illegible] [illegible] omnium [illegible] [illegible]

ut in eo. Unde in expeditione

Causae [illegible] [illegible] [illegible]

expediendo [illegible] [illegible] [illegible]

fuerit [illegible] [illegible]

Actionis; postmodum autem instrumentum societatis
super quo fundatur ista petitio, tandemque
exceptionis v. licitae, ex cuius eiusdem
ultimo loco presentatum, ut inde videri
possit, quid Iuris sit statuendum.

Et consecutive brevitatis prout fert
angustia temporis quinimo locandum mihi
concessum ad allegandum, concludo
quod in presenti statu causae est
v. licitae [illegible] ab [illegible]
presentis iudicij. Vel saltem [illegible]
veniam admittendam;

Moveor in primis quia [illegible] debet esse
conformis libello

Quod [illegible] actionis continet, quod dividantur
Bona q. [illegible] ex [illegible] instrumenti
societatis, ut [illegible]
inter ipsos, ex q. [illegible] eius [illegible]
contractis. Et tamen non [illegible] et [illegible]
divisionem Bonorum [illegible] q. [illegible];
nec [illegible] diversis prout [illegible]
[illegible] [illegible] ex [illegible]
societatis, cum in eo videatur [illegible]
[illegible], [illegible] fieri debeat ex [illegible]
contractis. [illegible]

agere potest tamquam donatarius [illegible]
ad divisionem Bonorum, et separationem ...
paterni imaginarii, in quantum [illegible] ipse
obtinuisset collationem Bonorum a [illegible]
Venianis, ut dividerentur [illegible]
[illegible] ... [illegible]
veniens [illegible] obligatorius,
unde [illegible] quatenus [illegible] debebat,
dividi non potest, nec [illegible] observari.
Igitur cum Ioannes [illegible] Actor [illegible]
ex [illegible] ex [illegible] dicti
[illegible] divisiones Bonorum, et [illegible]
tum nec obtinuerit collationem Bonorum [illegible]
[illegible] [illegible] debebat ad
observandam [illegible], quatenus [illegible]
expediendam [illegible] erit quia in
tantum [illegible] potuerit [illegible]
[illegible], in quantum [illegible] erat
propria ad dividendum.

Cum de [illegible], [illegible] debeat, nec potest
in [illegible], [illegible]
attentis [illegible] extensionem
parte [illegible] V. [illegible], [illegible]
ipsa [illegible] admittenda
[illegible] ex [illegible]
[illegible]

admittitur (cum sit) disputandi de
eorum nullitate, sed alio tempore
et disputatione [illegible], ut est notorium.
Quia legis dispositio debet stricte attendi,
et observari ubi agitur de [illegible]
exceptionibus quae sunt ad instar pupillorum
et commendantur officio Nobili ex[illegible] judicantis.
Tum quoniam [illegible] validi, et
pertinent ad causam, ut probat ipsorum
totius contractus societatis, quinde
ad [illegible] numquam ~~[illegible]~~ stipulatis [illegible]
in contractibus neque attendis sensus mens
et voluntas contrahentium [illegible]
eos contractus operantis.
Modo constat quod de anno 1586
[illegible] divisiones bonorum
paternorum inter se inijssent
convenerunt de reintegrandi [illegible] bona
et [illegible] societatem omnium
bonorum ineundi, [illegible] cum [illegible]
intervenientis [illegible] probare intendit.
modo reintegratio bonorum de qua in
contractu, [illegible] quod [illegible]
[illegible] divisiones in contractu
memorato, [illegible] ut

separati semper vixerunt et bonis propriis
separatim [illegible] nec unquam inter
eos aliquis actus societatis [illegible]
quinimo sic semper se gesserunt, ut totum
contrarium [illegible] et se facto declarant
quod nulla erat inter eos societas
vel conventio, imo plena, et constans
separatio. [illegible] probationes [illegible] non
debent, [illegible] possunt [illegible] contendi,
et denegari. Quoniam licet societas quandoque
videatur contracta inter dictos fratres, ut
in [illegible] tamen [illegible]
et [illegible] intelligi [illegible] debet
[illegible] eo [illegible] quod probatur
quod res [illegible] remanserint continue
separatae, non contractam societatis
[illegible], et separatim bona
possederint, separatimque unusquisque eorum
sibi negotiatus fuerit, [illegible]
[illegible] dicta societas [illegible]
[illegible] [illegible] ita quod [illegible]
[illegible] formalia verba
ita quod [illegible] separatim [illegible]
[illegible] unusquisque eorum sibi
[illegible] in dubio [illegible] societatis
[illegible]

Hac eadem ratione, ex huius coniunctis et
ab [illegible] Baptae Alterius;
inde observavi quod in margine
[illegible] societatis adnotavit, sed
coniuges ne dum habebant bona in simul
vivendo, sed et [illegible]
separati; inde infere volens, quod
licet separati vixerint, licet separatim
bona possederint in regimine fuerint,
atque separatim egerint, tamen
bona communicanda sunt;
Sed longe fallitur [illegible] quoniam [illegible]
contractus [illegible] licet contractus
societatis [illegible] ut haberet locum,
et attendi debet ex quo [illegible] fuisset et
ad [illegible] esset, quod societas conventa
suum sortitur [illegible] effectum, adeo
ut [illegible]
[illegible] acquisitorum [illegible]
[illegible] quod conventam societatem
ex [illegible] habuerit effectum, quod inde
expirarit vix [illegible] societate [illegible]
nec fuerit executa quoad communionem
bonorum, ubi et quoad cohabitationem
fratrum [illegible] nec exequi

debet in aliis eius bonis, quia contractus
nullo claudicare non debent, ex una
parte exequi, ex parte autem non.
In tantum in apposita fuerat in contractu
conditio illa, quod aequalitas omnino
fieri tam in lucro quam in separatione dividi
deberent, in alio contractus societatis
facto invenitur et ideo non tenuit, quia

Committendus igitur veniunt capita, vel
etiam licentiandus non observaverit
generis iudicii, cum re vera ei licet
potuit; nescius quid petatis. instat
nulla remedia bona [illegible] [illegible]
[illegible] collatione; et petit [illegible]
usum quem debere, nec dum in bonis [illegible]
[illegible] Vitae q. Arbitrij senioris
contrahentis, sed indefinite; et
tamen certum est in iure quod per mortem
unius socii demum expirat societas, nec
transit ad haeredem. Iohannes tex. in
[illegible] cum concordantibus ff. pro socio.

Tiberius a Porta I.C.
(Romanus)
[illegible]

Quod reintegratum [illegible]
fuerit [illegible] [illegible] civilitatis
[illegible]
[illegible] Christi [illegible]
[illegible] separati vixerunt, [illegible]
proprio separatim gubernarunt, possiderunt
et gubernarunt [illegible]
[illegible]
totum contrarium demonstrarunt.
Unde succedit [illegible]
[illegible]
[illegible] contractus [illegible]
[illegible]
[illegible]
[illegible] quod [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Idem qui supra [illegible]
[illegible]

Causa Misso di Baja

De anno 1742 fuit declaratum Ministerium
bonorum inter D. Filippum, et fratres nostros
de Busia et Vna, et D. Amicum, et
illis consortes et nostros et alia;
D. Marius G... nomine suo, et aliorum
sustinebat ... rigore quorundam
instrumentorum inter eosdem fratres
... sibi, et consortibus ...
... bona in eis comunia ultra
equalem medietatem; e contra vero
D. Filippus dicebat id fieri non debere
sed equaliter dividendi fore;
... his omnibus consultis ...
... tandem dicta fuit
ad vota D. Filippi, et illis consortibus
... remanserunt, quod
postlatis dictis Contractibus Ministerium
fieri deberent curata equalitate;
deductis tamen ad ... D. ...
et illis consortibus pro ... eorum
maiorum ~~...~~ et sumptibus
totius Familiae ducatis 800 ultra

[illegible] multa [illegible] [illegible] [illegible]
[illegible] appellata fuit a [illegible] [illegible]
ex litis contractis [illegible] [illegible] deducta
ne [illegible] ad [illegible] [illegible]
sed ad [illegible] [illegible] [illegible]
[illegible] [illegible]; interim vero litis
[illegible], et [illegible], possederunt bona
[illegible] in dictis [illegible] [illegible]
[illegible] unde [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
et [illegible] ad [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] [illegible] ad
[illegible] bonorum [illegible] [illegible]
[illegible] [illegible] assignata [illegible] [illegible]
[illegible] [illegible] [illegible]
~~et [illegible] [illegible] [illegible] [illegible]~~
in [illegible] [illegible] sunt [illegible] [illegible]
[illegible] debeant [illegible] [illegible] [illegible]
[illegible] [illegible] bona [illegible]
[illegible] [illegible] debentur [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible]

In parte negativa [illegible] [illegible] [illegible]
terminans [illegible] de [illegible] ex [illegible]
quae non [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]

[illegible] [illegible]
Unde [illegible] de [illegible] [illegible]
[illegible]

[illegible] ex [illegible]
[illegible] [illegible]
[illegible]

[illegible] Hic [illegible]
[illegible] [illegible] ex [illegible]
[illegible] indicata [illegible] [illegible]
[illegible] [illegible]
[illegible]

[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] ex [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] quae [illegible]
[illegible] [illegible] [illegible]

multas menses [illegible]

[illegible] ne est quis [illegible]

dic [illegible] quod [illegible]

[illegible]

[illegible] accedat in [illegible]

[illegible] Roma [illegible]

[illegible] [illegible] communica [illegible]

[illegible]

[illegible] quod casus [illegible]

[illegible]

[illegible] cod. [illegible]

[illegible] de [illegible]:

[illegible] nos [illegible]

quod [illegible] equum [illegible]

[illegible]

[illegible] aut [illegible]

[illegible]

conferens absolute [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] annis [illegible]

dictum instrumentum, et si instrumenta inter
fuerit [illegible] dictum [illegible] a dicto
[illegible] citra [illegible]
alias sequeretur [illegible]
[illegible] inutile [illegible]
[illegible] nullus [illegible]
[illegible] a dicto [illegible]
[illegible]
[illegible]
[illegible]

~~dicti [illegible]~~
[illegible] aux [illegible] adhuc [illegible]
[illegible] in quo [illegible]
de validitate, seu invaliditate [illegible]
[illegible] 1009; unde nihil [illegible]
dixit; [illegible]
[illegible] dictam contra [illegible]
[illegible] Bona), et [illegible]
~~[illegible]~~ debeant; etenim si [illegible] actor
eos quos [illegible] in [illegible]
condemnasset in [illegible]

[illegible] una [illegible] [illegible]

[illegible]

[illegible] concedendum in casu isto in quo [illegible]

[illegible] in [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] ex [illegible]

[illegible] [illegible]

quod [illegible] ex [illegible]

[illegible] quod non esse dicendum [illegible]

[illegible] [illegible] [illegible], et [illegible]
quo [illegible] [illegible] | æquales [illegible]
[illegible] et [illegible] [illegible] Bonum [illegible]
a die [illegible] [illegible] [illegible] [illegible]
dividendi, atque [illegible] [illegible]
[illegible] esset, quod omnes, et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], et [illegible] [illegible]
illis prodesset, quod [illegible] [illegible] [illegible]
~~[illegible] [illegible]~~ [illegible], [illegible] [illegible] [illegible]
aliquam [illegible] [illegible] de [illegible] [illegible]
sedes, [illegible] esse tenere, [illegible] [illegible]
de [illegible].
Accedit [illegible] [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
At [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible]
ad [illegible] [illegible]

[illegible]

[illegible]

ita ut contra [illegible] intrauerit [illegible]

[illegible]

Quum [illegible] in [illegible] nihil

[illegible]

[illegible] ad eum [illegible]

[illegible]

[illegible] quia [illegible]

[illegible]

Punctus Controversie modo dirimende est an D.na Ine... in

... Venditio seu Venus obligatio Domus ... in Vico ...

clamat de ... aliis & Mainetij Mainetij

facta a q. D.na Camilla eiusdem Vaxore nomine

Maini pro ipso a carceribus liberando ut ...

teneat in ... dotis dicte mulieris, itaut

Filij eam attenuare volentes in dicta Domo

Vico Stabili Paterno, ... a q. Marco Ant.

... ad ... fuit facta dicta

obligatio, vel ea non obstante, debeat dictis

Filijs actione hypothecaria agentibus dimitti,

adeo ut in ea valeant ipsam eorum dotes

attenuare nec ne; Et quoniam ex facto ...

... facti ... breviloquio ... atque

... anno 1609 q. Mainetus Mainetij

debitum contraxit cum q. ... Io. Baptista

... pro ... ex Vino ... summa

... 150 vel circa, ... creditor ... volebat

utriusque, e contra vero debitor non erat ...

solvendo; ... ad instantiam q. creditoris

in carceribus (ut asseritur ... legitime

... detentus; Dum res ... se habebant

anno 1612 Vaxor dicti q. Mainetij ...

coram ... illius temporis, ... nomine

Maini ... Licentia [illegible]

Domus [illegible] vacante in Paroeciam [illegible] ad obtinendae
affirmatione dotis in ea facta; Ex.mus D. Vic.s
habita fide duorum testium, quod ipse obligatio
esset necess.a interposuit suam Auctoritatem, et
iudiciale decretum; Tractu temporis Malvetius
defecit in solutionibus [illegible] pensionis;
Unde anno 1628 ut in Process. fol. 29 D.
Tobia siquidem fecit decretum, et [illegible] eis
qd pro [illegible] devenit ad incantus dictae
Domus, et possessionem illius tandem obtinuit,
et ab inde citra, ac fructus illius percepit;
Mortuo D. Camillo relictis omnibus filiis
praesentibus tunc [illegible] pupillis, et filii comparue=
runt ipsi, et [illegible] tut.o, eo quia D.
Malvetius [illegible] factis [illegible], petierunt [illegible]
[illegible] affirmandae dotis Maternae,
et decretum [illegible] ad [illegible]
causae cognitione obtinuerunt, et auctore
Praetore admitterent ~~[illegible]~~ Possessio [illegible]
Domus, contradixit D. Tobia, et fundam.
[illegible] [illegible], et [illegible]
[illegible]; [illegible]
[illegible] hypothecaria
agendo institutum [illegible] relaxat. [illegible]
Unde quaeritur quid iuris

Et uncdum ine procedendo dico non obstante allegato
[illegible], et [illegible] [illegible] iure ea esse
dicendum ad totam dotem statim maritalem
[illegible] in solut. in dictam [illegible], cum transeat
absque ulla [illegible], quod Privilegium dotis, seu [illegible]
tacitae Hypothecae, et [illegible] transeunt ad
Filios Matris haeredes, eisdem competunt huius-
modi actiones eodem Privilegio, ac si [illegible]
Mater ipsa ageret ad restitutionem dotis [illegible]
in tract. de pignor. et hypoth. 4. membr.
2.da part. n. 102 [illegible]

Modo si dicta [illegible] cum Mater esset in [illegible]
attenta vergentia Mariti ad inopiam certe certius
potuisset agere, et obtinere assicurationem suae dotis
in hac domo, Contractu d. [illegible] non obstante [illegible]
et hoc idem [illegible] esse in filiis [illegible]

Dictum Contractum d. [illegible] non obstare, quoniam [illegible]
celebratus fuit, ut legitur in eo, non nomine [illegible]
sed Mariti;

Sed alienationes bonorum dotibus obligatorum factas
a Maritis non tenent in [illegible] [illegible], [illegible]
[illegible] casu non possint mulieres assicurare
earum dotes [illegible] tit. Cod. et [illegible] [illegible] dot.; [illegible]
non obstante dicto Contractu hoc idem fieri potest.
Ad [illegible] est concludendum.

Et licet dictus Contractus [illegible] attenta [illegible]
[illegible], et hoc nihil in esse [illegible], quoniam [illegible]

ex Gl[illegible] facta [illegible] renunciati Mariti;
Unde nō obstante, nō [illegible] Pactando seu
renunciando [illegible] redderet audiamus
eius dotis [illegible] tex. in l. de die, et in
Additionis Cod. de iure dot., quia interest
[illegible] ut dotes contineantur;

Accedit quod licet D. Camilla nō proprio contraxisset
et nomine ipsa obligasset pro debito Mariti;
tn̄ obligatio [illegible], et nullius esset
[illegible] seu momenti, [illegible] ad huiusmodi obligationes
[illegible] a iure favore [illegible] [illegible]
[illegible] tex. in l. [illegible], et in l. 3. Cod. ad Senat.
Consult. Velleian.

Modo re. dū nōe proprio [illegible] Maria contraxit et
obligavit, nec [illegible] pro [illegible] expresse
et [illegible] forma [illegible] renunciavit [illegible] eo
magis quoad [illegible] [illegible] cadit obligatio;

Hoc Unum quoque animadvertendum, quod [illegible]
Primeria [illegible] ex Contractu erat Scuta
150, dummodo aut sint subhastata pro Scutis
300 [illegible] a Marito [illegible];
Unde quotiescunque [illegible] debeant [illegible]
D. Camilla, et [illegible] Primariis [illegible] ob [illegible]
Mariti [illegible] [illegible], quod
est dicendum [illegible] debet ad [illegible]
[illegible] ad [illegible] [illegible]
[illegible]
[illegible] Ita [illegible] dico ego
[illegible]

[illegible] quines

[illegible] defunda

[illegible]

[illegible] ellos

1641 · 15 · aug.

a Dr. [illegible] pri
[illegible]
[illegible]

Ipsius ad ... numquid instrui debeat ... [illegible]
... [illegible] ...
... [illegible] ... inter ...
omnes ... inde ex alia die ... [illegible]
... [illegible] ... vicerit ... in illo ...
... [illegible] ... die 26 ... 1691
ex ... [illegible] ... firmato registro ...
~~[illegible]~~ ... [illegible] ...
... [illegible] ... [illegible] ...
facto examine ... [illegible] ...
... [illegible] ... inspicienti ...
... tempore ... [illegible] ... in illo
... deinde ; ex ~~...~~ ... [illegible] ...
... ipso ... [illegible] ...
... de ... rigore ... [illegible] ... Patris ...
... [illegible] ...
discipuli ... [illegible] ...
... [illegible] ... inspicientia ... [illegible] ...
... quam ... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ... duxit ... [illegible]
... [illegible] ...
... [illegible] ... 1800
integre ... [illegible] ...
... [illegible] ...
... [illegible] ...
... convenit ... [illegible] ...
... [illegible] ...

[illegible]

[illegible] ... debitores [illegible] quæ [illegible] dies [illegible]

~~[illegible]~~

[illegible] res hic se habebant [illegible]

[illegible]

[illegible] die 24 maij [illegible]

[illegible]

[illegible]

remanserit a iactatam [illegible] ; in scriptis eius
contractus dationis et acceptationis in dotem [illegible]
Stephani initi cum d. [illegible] [illegible] ex instrumento [illegible]
Stephani modo quo supra ; et concurrendo [illegible]
[illegible] ; poterunt eandem [illegible]
[illegible] redacta in Praejudicio [illegible]
[illegible] quoniam constituta ; Verum quia contractus dationis
in [illegible] [illegible] dationis [illegible]
[illegible] ~~[illegible]~~ probatus [illegible] ideo
[illegible] generatio [illegible]
[illegible] in [illegible] [illegible] [illegible]
rigore [illegible] reformationis [illegible] [illegible]
[illegible] evidenter [illegible] in 2 de [illegible]
eius admissio [illegible] Rotae [illegible] in [illegible]
deducta ; Unde [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] in [illegible]

[illegible] ~~[illegible]~~ [illegible] propositio [illegible] [illegible]
dicto [illegible] [illegible] [illegible] [illegible]
admisso [illegible] ~~[illegible]~~ [illegible] [illegible]
[illegible] [illegible] admittendo [illegible]

Cautela modo dicenda uertari debet circa [illegible]
factas a [illegible] haereticis [illegible] et [illegible]
in [illegible] de [illegible] in [illegible]
[illegible] inter [illegible] ipsa [illegible] una [illegible]
[illegible] sine [illegible] ex [illegible]
[illegible] exciarenat
inter Partes [illegible] de [illegible]
[illegible] ad [illegible]
[illegible] est [illegible] a [illegible]
[illegible] corruunt [illegible] uero adhuc [illegible]
[illegible] debent [illegible]
[illegible] facta quia [illegible]
[illegible]
[illegible] ex [illegible]
[illegible] uero [illegible]
[illegible] inter [illegible]
[illegible] [illegible] latinis [illegible]
[illegible] [illegible] a [illegible]
Modo [illegible] [illegible]
[illegible] ex [illegible]
uel [illegible] definitionem
[illegible] aut [illegible]
[illegible] definitione [illegible]
quia [illegible]
[illegible]
[illegible]
[illegible] [illegible]

Dici 20 aprilis Nos ad decl^me i [illegible]
[illegible] hereditibus ... [illegible] ... [illegible] a quo acca
et Rev^me gener admittam [illegible]
[illegible], ac declaratid fore deveniendum [illegible]
[illegible] camera [illegible]
[illegible] sententia [illegible]
[illegible] Potestate
[illegible] quas [illegible]
[illegible]
[illegible] ad [illegible]
[illegible] nec [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
esse Veritate, ea extentionem [illegible]
omnes [illegible] ad sententiam diffinitivam [illegible]
[illegible]
declarari requirent, declaro interlocutoriis
ut supra [illegible] non obstante, [illegible]
[illegible]
eo quibus [illegible] eodem [illegible]

[illegible] eius [illegible], et actione et [illegible]
[illegible] ad [illegible] inde [illegible]
ac si [illegible] non [illegible] quoad forma [illegible]
Procuratoris [illegible] debet Actus
diei 26 [illegible] anno [illegible]
interlocutoria inde [illegible]
[illegible] vero [illegible] non [illegible]
[illegible] deberet ex [illegible] dispositione
[illegible] in Statuto [illegible] quod [illegible]
[illegible] admittantur [illegible]
[illegible] impedimento tempore [illegible]
[illegible]
[illegible] admittantur, et eo magis
[illegible] non [illegible] proveniant [illegible]
[illegible]

Dixi [illegible] [illegible] eo magis
admittendas, [illegible]. Ut ideo talia
[illegible], notare [illegible] debes, quod in
[illegible] modis [illegible]
[illegible] nempe [illegible]
[illegible] et quoquomodo, [illegible]
[illegible]
[illegible] de [illegible]
Et [illegible] quae admittantur [illegible]
[illegible] ad causam [illegible]
[illegible] ex [illegible]
[illegible] Sancti [illegible]
[illegible] et [illegible] Baio [illegible]

ordinarij cod. de rei uxor.

Sed tamen edita actione [illegible] in [illegible] [illegible] non admittuntur, sed directe moventur in causa de qua [illegible] inter partes [illegible] q° [illegible] [illegible]

[illegible] minor [illegible] [illegible] ex [illegible] [illegible] creditoris [illegible] [illegible] nec agere in [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cons. [illegible] n.° 8. [illegible]

[illegible] admitti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex necessitate [illegible] [illegible] [illegible] solo [illegible] [illegible] [illegible] lex. [illegible] consentire [illegible] de act. [illegible] oblig. ex [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]

Unde pro isto contractu probando satis est Dno [illegible] ostendere quod Bona [illegible] ultimae Partitae [illegible] regesta ad ipsius [illegible] et [illegible] [illegible] [illegible] [illegible] fuisse [illegible] [illegible] Partitis [illegible] subsidii [illegible] [illegible] Dno Pithono [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] ex eis [illegible] [illegible] quibus Bonis [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] quod [illegible] anno 1658 [illegible] [illegible] Partitae [illegible] [illegible]; sed [illegible] [illegible]; et [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] et [illegible] [illegible]

Nec quia inter [illegible] Partes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] contractus [illegible] [illegible] ultimae et [illegible] [illegible] [illegible] [illegible] quas [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quae [illegible] [illegible]

Unde ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible], ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]; [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]; [illegible] [illegible]

[illegible] Partitae facta [illegible] [illegible] [illegible]

ad eo directe [illegible] infecta, et ic nera
[illegible] [illegible] notationis, intactus [illegible]
[illegible] [illegible] [illegible] existi [illegible]
[illegible] intentione [illegible], [illegible] Generalis
[illegible] Privilegijs [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible],
id [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] esset, ~~[illegible]~~
~~[illegible] [illegible]~~
~~[illegible] [illegible]~~, sed [illegible] ~~[illegible]~~
~~[illegible]~~, ut ~~[illegible] [illegible]~~
[illegible] ~~examinatum~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible], et adhuc [illegible] [illegible]
[illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible]
[illegible], et [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] alium [illegible] [illegible]
et [illegible] [illegible] [illegible], [illegible]
[illegible]

[illegible] [illegible] [illegible] speciale [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ... 43

ex [illegible] tenebatur [illegible] [illegible] contra [illegible]
[illegible] mediante [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] obligationes [illegible] [illegible]
[illegible] ante [illegible] contractus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] tex.
[illegible] quamvis [illegible] de [illegible] ex [illegible]
[illegible] dict. Joannellus [illegible] a [illegible] [illegible]
[illegible] debebat agere [illegible] [illegible]
[illegible] [illegible] particulariter [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] mediante [illegible]
ex translatione Partis [illegible], [illegible]
[illegible] [illegible]
[illegible] plus [illegible] a debitore [illegible]
[illegible] [illegible], [illegible] necessitate [illegible]
contractus [illegible], [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible], [illegible]
tenerentur [illegible] Joannellus [illegible] [illegible] [illegible]
[illegible] [illegible] mediatione [illegible] [illegible]
obligatus, ut supra [illegible] [illegible] [illegible] contractus
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] contractum
mediante [illegible] [illegible] [illegible] [illegible],
[illegible] respective [illegible] [illegible] debitore, [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] Joannellus [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

Et iste, et in laudem [illegible] esse
fuisse, quia non poterat [illegible],
tamen [illegible] [illegible] [illegible]
de [illegible] [illegible] credit.

Unde hic contendere videor [illegible] haeredibus
[illegible] administrationem [illegible],
imo continuanda illud idem, quod [illegible]
[illegible] [illegible] [illegible]
[illegible], ~~[illegible]~~ unde rem debeant
[illegible] [illegible], nec [illegible] eisdem
nec [illegible] de directo [illegible]
examinari possit: sed obiectum non obstat
[illegible] [illegible] [illegible]
[illegible] imo quod [illegible]
[illegible] [illegible]
[illegible]
[illegible] complectuntur.

Pt. [illegible] [illegible] modo [illegible]
[illegible] [illegible] de voluntate
[illegible], [illegible] laudata

4. aut [illegible] modulo continet quod [illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
et [illegible] [illegible]
[illegible], et [illegible]
[illegible], quod [illegible]

erat necessarius ex introducere probare [illegible]
h[illegible] primus ipse admittendus, cum [illegible] deducta [illegible]
decreti restituit pro restituendo crimine a
[illegible] fabrius in Po. iudicio [illegible]

2dus terminus [illegible] est [illegible] pro executione [illegible]
aestimationis [illegible] Pinonius regulare [illegible]
Pacta [illegible]; et [illegible] ad ipsa Bona [illegible]
[illegible] suo nomine, et ad [illegible]
[illegible]

Ultimus autem 2dus terminus tendit primare.
[illegible] dic [illegible] Pinonius regulare [illegible]
Partem ut supra se declaravit [illegible]
ideo id faciebat, quia Bona [illegible]
[illegible] eius [illegible]
Quae declaratio utique [illegible] in
Po. iudicio; unde, et hic 2dus [illegible]
est admittendus, cum [illegible]
Venditionis [illegible] est de substantia Venditionis
[illegible] in [illegible].

[illegible] autem [illegible] 2da [illegible]
[illegible] examinari [illegible]
Partes separatae, et se habere ad alias
Particularia omnino diversa [illegible]
~~[illegible]~~
~~[illegible]~~ in [illegible]
Monasterium, et [illegible]
[illegible], ut [illegible] fiat
[illegible] quod [illegible].

[illegible] contraria opinione

Ad 3um negatur istud, [illegible] tamen, et
mandati, ad[hu]c adhuc non expirasset procuratorium
[illegible] ut [illegible] Scarellus [illegible]
die 6 die 30 Aprilis [illegible] ut [illegible]
[illegible] annullant, et [illegible] mandati
procuratorij, quod certe non [illegible]
[illegible] quaestionem iam expirasset, unde non
[illegible] sunt qualitates.
Ad 4um quia Articuli sunt impertinentes
[illegible] non [illegible] indirecte, sed directe, et
[illegible] faciunt in causa, [illegible]
modo [illegible]

Octavianus a Porta [illegible]

1

[illegible] Nro

Egit in p[rese]nti causa [illegible]
Carrona non tamq[uam] haeres Patris eius
Patrui, sed ex p[er]sona propria ad
Bona Fideicommissa [illegible] Bernardi
[illegible] emus ex Nicolai inarbitratum
cum eis [illegible] [illegible] grauis
[illegible] ex prop[ri]a [illegible] alias
[illegible] cum q[uod] [illegible] Nicolao eius
[illegible] non est attendendum, sed ex [illegible]
uidendum quid huius circa d[ic]ta Fidei=
comissa [illegible] esse in
[illegible] res reperiuntur de [illegible]

[illegible] huius [illegible] est [illegible] cum
[illegible] Carrona [illegible]
[illegible] alius [illegible]
[illegible]
[illegible] Bononiae que de anno 1600

obvenerant q. q. Bernardi eand. pre-
dictum assignata dicant in solut.
[illegible] q. vng Emiliae eius Uxori
[illegible] D. [illegible] Bar[illegible] [illegible]
[illegible]
[illegible]
[illegible] eas inventas
a[illegible] [illegible] [illegible] indistincte [illegible]
[illegible], ex [illegible] [illegible]
Actoris [illegible] [illegible] [illegible] [illegible]
[illegible] Bona [illegible] [illegible] [illegible]
[illegible] Fideicommissi de [illegible] [illegible]
ex [illegible] [illegible] assignata fuere
in [illegible] [illegible], ex [illegible] dotalis q.
D. Emiliae [illegible] [illegible]
[illegible] [illegible]
Vide cum Nob. D. Franc. Actore pro
[illegible] Bonorum Emittorum, ex [illegible]
firmanda [illegible] [illegible]
[illegible] [illegible] in [illegible]

iudicio videndum est an coniunx
debeat vitam eius [illegible] de
quibus in [illegible]

Pro parte negativa facit [illegible]
[illegible] fundamenta
Tam in constituenda, quam in restituenda
dote Bona [illegible] Fideicommisso sunt
obligata et alienari possunt

Nec [illegible] ex [illegible] Bona [illegible]
Bernardi de anno 1600, fuerunt ei
tradita in restitutionem [illegible] ex [illegible]
dotis q. D. Emiliæ eius Vxoris [illegible]
[illegible]
[illegible]

Quia aut erant Bona [illegible] in
[illegible] dotis [illegible]
aut [illegible], et in eo

Ultimo ista verba dixit rex, tam=
[illegible] [illegible] modo [illegible] in [illegible].
Aut nd, et tunc et fideicommissaria
alienari possunt.

Pondero 2º loco, quod sententia [illegible]
nō involvit dispositivae sed enuntiativae
[illegible] namque [illegible] sunt enuntiativa
nō aut dispositiva [illegible] 2º ex
ea nullum [illegible] [illegible] fundam[illegible].

Accedit 3º loco quod bona assignata
a Comite [illegible] [illegible]
[illegible] [illegible] [illegible] ex tamquam
[illegible] [illegible] de [illegible].

Ex quibus [illegible] bona [illegible] [illegible]
erat [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] eandem [illegible] [illegible]
[illegible] bona [illegible] [illegible] [illegible] 3º

Aliud quaero [illegible] quod dominus Bernardus fideicommittens
committens in suo testamento [illegible]

nō habet Bonorū alienat[illegible] nec praeiu-
dicium eius haereditatis in casu
contrauentionis ut in [illegible]
Verū Ill.mo D. Franc. [illegible] aestimauit ex
aduersa [illegible] quia caret actione
agendi pro fideicommisso cum ex clara
[illegible] testatoris [illegible]
[illegible] Bona de quibus agitur [illegible]
[illegible] fideicommisso, nō [illegible]
possent, seu deberent relaxari
[illegible] ex [illegible] minime [illegible]
[illegible] affirmatiuam [illegible]
[illegible] ac legibus, et voluntati
testatoris magis consona
Quoniam multi autem quod [illegible]
[illegible] ex
[illegible]
vocatus habere debet Fideicommissum
[illegible] Bernardini [illegible]
[illegible]

lius maioris; hoc idem cognomentum ...
ecc. conventus, et universaliter concessum
... rotare tentarunt quod incidit
in ... ex quo ...
careat actione.

Unde si tamen ... a ... commissario
venit casus in illius forma, ...

non obstante exceptione ...
... ad ...

An huiusmodi Bona fuerint, et sint
de iure de subiectis dispositioni
fidei commissariae, Nob. de ... senioris, et an tempore quo
fuerunt consignata D. ... essent
de iure inalienabilia in extraneos.

Et quamvis ... extra ... non
extaret, attamen ex forma ...
... tamen essent attendenda.

... ...

Eo aut magis hoc dicendum ubi ultra
dispositionem a lege extat et Pronto
[illegible] ex [illegible] [illegible] [illegible] [illegible]
[illegible] Bantorum.
[illegible] [illegible] prolata [illegible] [illegible]
debent esse [illegible] [illegible] quinimo
operari.

Citata aut essent [ex parte enarrant] Verba sententia [illegible]
[illegible] indicant [illegible] que erant
ad [illegible] [illegible] ad [illegible]
[illegible] non attenderent [illegible]
et [illegible] [illegible] non esset indicandum
[illegible] [illegible] [illegible] eque, dicendum
esse immo [illegible] [illegible] Bantorum
[illegible] non dispositione [illegible] [illegible]
[illegible] [illegible] forma indicand[um],
tamen adimpletis per actorem [illegible]

in ipsa sententia exaudiri debeat;

Prout in casu Clarissimus ille Iudex deberet iudicare de [illegible] aliquorum [illegible] [illegible] [illegible] [illegible] [illegible] concludendum de [illegible] [illegible] nec qui iudicium [illegible] [illegible] ex eadem Tribunal

Cum igitur iam ex forma [illegible], quod [illegible] [illegible] iam iudicatum [illegible] [illegible] in [illegible] iudicis [illegible]

Identitas in [illegible] [illegible] ex inde cognita [illegible] [illegible] examinari debeat [illegible] [illegible] remanet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] sit placerit [illegible] debeat obtinere nec ne

Identitas [illegible], [illegible] [illegible] [illegible] de [illegible] [illegible] ordinariis ad illius [illegible] [illegible] attributum [illegible] [illegible] [illegible] [illegible] [illegible]

quandoquidem

[illegible] contenta examinata in [illegible]

[illegible] ~~[illegible]~~, [illegible] [illegible],

[illegible], in quo sunt [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] in [illegible]

quo [illegible] [illegible] [illegible] [illegible]

in eisdem [illegible] in quibus [illegible]

controversia [illegible] ex [illegible] [illegible]

[illegible]

[illegible] de [illegible] [illegible] [illegible]

in [illegible] [illegible] [illegible] [illegible]

in [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]. Et clarius [illegible] [illegible]

[illegible] examine [illegible] [illegible] [illegible]

[illegible] [illegible] de anno 1567 in [illegible] [illegible]

[illegible] [illegible] in [illegible] [illegible]

quae [illegible] [illegible] [illegible] [illegible]

[illegible] controversia [illegible] [illegible] esse [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

est eisdem [illegible] [illegible] [illegible] [illegible]

39 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] nominum [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible] rei destruatur in toto, quod [illegible]

[illegible]

[illegible] alterum [illegible]

[illegible]

[illegible] petiit, nec debet attendi, cum nullis firmata fuerit, [illegible], non autem [illegible]

[illegible]

[illegible], nec suspensa, imo laudans [illegible]

[illegible] ut [illegible]

[illegible] servari, et custodiri debent [illegible]

[illegible]

[illegible] 1587 [illegible] 38 [illegible]

[illegible]

[illegible]

[illegible] obtenta [illegible]

[illegible]

[illegible] vintami causa discussa et instructa [illegible] ex serie [illegible] compilati;

[illegible] nova vitanda [illegible] at numeratam causam remittere [illegible] existentiam [illegible] [illegible] ratione [illegible] dumane [illegible] in [illegible] eadem [illegible] instantiis [illegible]

[illegible] confirmat. [illegible] ex quibus inferre conatur [illegible] non [illegible] [illegible] [illegible] concilium, [illegible] et [illegible] in dioecesi; [illegible] etiam [illegible] instrum. 1538, in quo [illegible] [illegible] nullo [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] (signature)

Oldericus a Porta

Nullitas esset dicere, quod Pater possit [illegible]

[illegible]

contra dã bitandum in quibus nõ
poterit dari contrariũ [illegible] actis
[illegible] ex professo
ad [illegible] [illegible] iudicio [illegible],
debet [illegible] [illegible], [illegible]
sic decem quod [illegible] [illegible]
in [illegible] parte dicta [illegible]
[illegible] [illegible] contra
[illegible] eius allegandum [illegible].
Pro conclusione [illegible] stat [illegible]
[illegible] [illegible]
[illegible] [illegible] 30 [illegible]
[illegible] tamen quia [illegible]
[illegible] eadem [illegible]
[illegible] [illegible] [illegible]
[illegible] ex [illegible] 25 [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] ex
[illegible] [illegible]

[illegible]

Costi [illegible] l'Ill.mo Sig.r Gio. Pieroni [illegible] generale

et Rettore cosi come [illegible] presentato l'Ill.mo Sig.r Consigliere

Giudice et Rettore ordinario l'anno presente per la [illegible]

[illegible] di Venetia che li [illegible] [illegible] con questa

[illegible] commesse et [illegible] [illegible] ne danno al

alcuno hà terminato che da ogni uno sia esequito et

osservato [illegible] [illegible] [illegible] delli infrascritti quali

[illegible] siano publicati al [illegible] [illegible] [illegible]

intelligenza di [illegible] et [illegible] da tutti [illegible]

siano osservati [illegible] [illegible] in essi contenute [illegible]

[illegible]

& [illegible] [illegible] si [illegible] ne li giorni ne li notti [illegible]

[illegible] [illegible] [illegible] famiglia [illegible] [illegible] [illegible]

[illegible] a danno de [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] sotto pena [illegible] la perdita [illegible] [illegible]

[illegible] [illegible] [illegible] il [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] volendo [illegible] tenuto [illegible] et il resto

ad arbitrio

Adi 30 genaro 1644

[illegible] publicati [illegible] [illegible] [illegible] [illegible] la [illegible]

[illegible] al [illegible] [illegible] per il [illegible] [illegible] officiale

leggendo il Cancelliere [illegible] [illegible] [illegible] et in particolar

[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]

[illegible] Cancellaria [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible]

Filizne

[illegible] de [illegible]
[illegible]

[illegible] aceiuno

Nisi adest tertius, et egis creditis tenuias in certe[illegible] [illegible] Paucis me expedias insistens causa

Blasius Pater, ex Auctori[illegible] domus Maius [illegible] de Tressa Magno [illegible] de anni 1588 [illegible] Bartolo, et Fran[illegible] Testiribus [illegible] qui pro domus [illegible] Vineis [illegible] [illegible] eidem dedit, et [illegible] [illegible] eius domus [illegible] et [illegible] [illegible] antiquo Plantatis arboribus Vineis, [illegible] quo [illegible] Formalia Verba [illegible]) Blasius [illegible] Unie eius haeredes [illegible] [illegible] qui exbursatur [illegible] [illegible] exbursat[illegible] quandoque facere [illegible];

Blasius [illegible] [illegible] [illegible] [illegible] potuit, ac liberare [illegible] [illegible]; [illegible] Ioannes Maria [illegible] [illegible] de anno 1630 [illegible] [illegible] Placeriam dicta domus Possessione, [illegible] [illegible] indemnam ad [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Petrina [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible]; [illegible] videndum modo et
[illegible] exceptio [illegible] ut [illegible] [illegible]
haveat [illegible] in [illegible] [illegible] neque, nec
[illegible] ipse in substantia venit declarandum
[illegible], et [illegible] [illegible] [illegible].

Textus est ad [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] nec creditores [illegible] de
pignor. [illegible].

> Nec Creditores, nec qui his successerunt
> adversus debitores pignori quidem res
> nexas petentes, reddita sive debiti
> quantitate, vel [illegible] in accipientibus
> oblata et obsignata et deposita
> longi temporis Praescriptione muniri [illegible]

[illegible] in [illegible] [illegible] [illegible], quod [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] pignoris [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] Testatoribus, donec
et [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] eius filius, et haeres [illegible]
Plenius [illegible] [illegible], et [illegible] exhibitum
[illegible], est [illegible] ex dispositione Legis.
Quod et Testatores ipsi cognoverint, ex [illegible]
[illegible] [illegible] [illegible], [illegible] apparet
in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]; sed [illegible] [illegible]

[illegible]

tma pro eadem quantit. cessisse, quod certe
nō fecissent judicisani, si nos illius domus
fore cognouissent, imo pro ultimatum eam
uendere quanti plurimi voluissent.

Itē quod ultra [illegible] cū D. Montegnanus, qui [illegible]
[illegible] a R.do Placciano, de anno 1613
p.o Martij ut patet ex Recepto [illegible]
domus cessit Virtualiter, et pecunias [illegible]
debitas [illegible] exigere [illegible]
[illegible], et exactione [illegible]
et ablato fuisset quodcunq Praetextu, [illegible]
[illegible] ut nō fuit, nec est, cū dominiū
dictæ domus pignoratæ [illegible]
[illegible] Joannem Mariam [illegible]
[illegible]
Pignus Cod. de pignor. act.

Imprimis declarari [illegible]
stante lege, et rōe ipsā [illegible]
nō .n. R.d. [illegible] aliquid [illegible]
[illegible], quoniā [illegible] domū relaxat, [illegible]
[illegible] [illegible] eliminares
ab instantia Propositā, R.dus Placcianus
cū illius [illegible] complectuntur;
[illegible] quod [illegible]
[illegible] quod [illegible]
[illegible] nō [illegible]
[illegible]

comprehendunt [illegible] venit in Voto

Actoris cum expensis, in quibus certo Contius

[illegible] debet R.dus Placcianus [illegible]

[illegible], et [illegible] in litigando

S. Valerianus a Porta S. Vos.

Giornal Veis R.dus Placcianus [illegible]

pro sustinenda eius exceptione Praescriptionis,

[illegible] 1588 [illegible] emptionis

et Venditionis respective; Unde [illegible] [illegible]

[illegible] in [illegible]

[illegible] annorum [illegible] [illegible]

[illegible] [illegible], in [illegible] [illegible]

colligitur ex Verbis ipsius Dom. Bart. in [illegible]

ita donas ff. de donat: cum [illegible]

[illegible] interesse ff. de solut. [illegible]

[illegible]

Sed si respiciuntur Verba contractus colligitur quod

in nulla Parte ipsius [illegible] de vendendo [illegible]

tm̃ de cedendo ad gaudendum [illegible] neruis

[illegible] ex [illegible]

et paulo post

ita ut Dominus ipse teneat gaudeat et

[illegible] seu [illegible]

ipsum [illegible] dicto Bernio [illegible]

[illegible] cessant

et [illegible] contrahentium fuit de cedendo ad Gaudendum

[illegible] quem [illegible] in Prompto, quod ex

eo clare colligitur; quod nulla facta fuit [illegible]

[illegible]

[illegible] 5.

[illegible] inveniendum [illegible] ad [illegible]
[illegible]
[illegible]
excitas ad ipsum dimittendum [illegible]
[illegible], ad hoc ut non possent se [illegible]
ab huiusmodi [illegible]
[illegible]. ad [illegible]
Prátio [illegible]
[illegible]
Plantam

[illegible] quod [illegible]
[illegible]
tamen [illegible]
Praemisso [illegible]
[illegible]
huius Auctoris, ad [illegible]
eo quia D. Montegnaeus huius Auctor [illegible]
omni exceptioni, et [illegible]
ad bonum [illegible]
[illegible] quod [illegible]
ex abundanti et [illegible]
et Congregationi R.[illegible]
evitare posse [illegible]
libri [illegible], ut [illegible]
[illegible]

[illegible]

Auxilium à Domino Oldericus a Porta

(Nobilis D. Clara de Lanzenbergis de Sicesimo olim habebat quendam mansum in villa Hlucile qui colebatur a Baptista et fratribus Bichijs e ipsa villa de anno 1474 ~~Septem~~ Decembris cum ~~...~~ licentiatet colonos ~~...~~ contravenerit occasione commissus tamen et ... colon. ... bonam fidem ... in actu publico laudarunt et suam contradictionem voluntarie revocarunt et in processu fol. 12 ... habita confessione colonorum ... poterat eos excludere et excomeare ad omne eius ... ... et ... est ab ... ... in ... ne ... enim ei ... existimavit ... ... neccomeatum impugnare nec questionem dominij ... retinuisset e a u i

Tractu temporis ~~...~~ ... ~~...~~ nob. D. ... de sancto Felice ... D. Clare ... morbem ... de anno 1570 excomeavit denuo colonos ... ... et ... contradixerunt ... ... et ... exhibito ... ... 21 Augusti lata fuit sententia ... comeatus. Hec ... à colonis appellata ... ... executioni demandata; cum ... fuerit ... meliorementorum ... omnibus constat in processu fol. ... et ... et ... m u sui ... 2 co

Ibidem ... D. Nicolaus ... ... colon. ... in locatione et ... ... cum ... D. Nicolai ... ... in nob. D. Franceschinum ... ... eisdem ... ... ibi ... ...

et hic ... ... 25 ...

Si actor esset adhuc in [illegible] [illegible] contributus mansit (tempus)
fuit extractus a nob. [illegible] q. D. Hieronimo [illegible]
[illegible]
~~[illegible]~~
[illegible]
Novo [illegible] D. Hyeronimus factus maior animaduertens [illegible]
[illegible]
[illegible] [illegible] [illegible]
[illegible] sine [illegible] [illegible] domini [illegible]
[illegible] [illegible]
[illegible] unde uidendum est [illegible] iustius induat arma
[illegible] [illegible]
[illegible]
1° [illegible] locatione nullibi constat [illegible]
2° [illegible] actor [illegible]
[illegible] temporis
3° cum [illegible] actor [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] absque hesitatione [illegible]
infrascriptis iuris fundamentis
Quia [illegible] locatione ~~tamen~~
[illegible] publicam scripturam attamen [illegible] ~~[illegible]~~
Primo quia contractus [illegible] non est ex eis qui [illegible]
[illegible] scripturam [illegible] et requirant cum [illegible]
consensu [illegible] et [illegible] nedum expresso uerum
etiam tacito [illegible] in [illegible] item [illegible]
[illegible] qui [illegible] locatione [illegible]

[illegible] qui dicitur Cod. Locati, [illegible] autem
ubi tractatur de locatione antiqua, talis enim est quomodo
modo quoddam [illegible] constat, obtinuit manq. ratione ex [illegible]
bonae fidei [illegible] felicioribus illis etatibus et temporibus
vigebat, quod locationes [illegible] in scriptura redacta valerent et
sent per inde ac si manu Pub. Notarij scriptae fuissent
quia solebant tunc DD. Mansionum in suos referre libros
quecumq. cum suis colonis agebant pro ut constat ex
depositionibus testium receptorum in [illegible] processu
fol. 40 Unde magis [illegible] ne tum [illegible], sed etiam
[illegible] semper DD. [illegible] et quod eiusmodi
consuetudo adhuc sustineatur [illegible] tandem decisive
concludit Franc. Marc. decis. 112 n. 12 + Lib 2 L. [illegible]
Cod. locat. et leg. 1 si merces ff. [illegible] conductor omnia [illegible]
ff eodem

Denum in casu [illegible] ne cum [illegible] [illegible] ex antiquis m
[illegible] datis per [illegible] [illegible] de [illegible] [illegible]
patronam [illegible] manus nec in etiam ex Actu voluntarie qui
sit confirmationis ipsius comeatus facto in iudicis a Con[illegible]
[illegible] Bichis [illegible] de anno 1541, quibus volun[illegible]
[illegible] [illegible] est attendendus ac si esset [illegible] manu
Pub Notarij; cum [illegible] locationem ipsam; non enim
[illegible] sibi [illegible] et comeatum voluntarie [illegible]
[illegible] nisi revera extaret locatio vel manu Publ.
Notarii vel manu privata ipsiusmet D. locatricis
quod est idem [illegible] de locatione talis [illegible] ibi
[illegible] [illegible] concludendum est [illegible] comeatu. et

Accedat quod ultra [illegible] extat etiam sententia [illegible]
in [illegible] 5 [illegible] cum [illegible] [illegible]

inter q. D. Nicolaum et Felice Generum D. Clare
ex una et consortes Biellos colonos ex alia
qua dum dicitur D. Nicolaus excomeasset inter
colonos illis contraxerint tandem concessus
remansit confirmatus.
Sed sententia non attenta nec suspensa [illegible] ut dicit quod temper
attenta et executioni demandata sequitur dicendum
mox comentus debeat confirmari.
Nec hic obiici potest quod cum non agatur inter easdem
persona [illegible] fundamenta non debeant attendi
quoniam respondetur quod heres et defunctus una
et eadem persona esse censentur unde cum iam
demonstratum fuerit quod heredibus D. Clare
in D. Nicolaum et D. Nicolai in D. Hyeronimum
actorem ex persona matris transiverint ut abunde
constat in processu [illegible] dicendum quod [illegible]
[illegible] ac [illegible] [illegible] Biellos colonos
nominati in actu [illegible] et sententia [illegible]
eis cum in ipsos transiverint omnes actiones [illegible]
et [illegible] [illegible] maiorum [illegible]
sicut [illegible] modo Licentiasset consortes Biellos
[illegible] [illegible] questionem in [illegible] domi
[illegible] nec comentum quocumque modo [illegible] ita
[illegible] facere nequeunt etiam dicti [illegible] conuenti
Constat 3° loco quod locationis [illegible] in dubio [illegible]
non [illegible] ita ut consuetor Licenti
an [illegible] [illegible] Bald. in cap. litterae

Ad dilat. [illegible] in l. [illegible] de [illegible]
quam extollit et sequitur [illegible] in l. 2 [illegible]
reciedur Cod. de iure emphit.

~~in casu nostro~~ de [illegible] sumptus in [illegible]
cum ex instrumento uenditionis ~~[illegible]~~ appareat
quod consortes [illegible] persoluisse [illegible] censum nob. D.
Hyeronimo [illegible] ~~in~~ [illegible] fol. 29
g° locatio [illegible] debet temporanea et non [illegible]
sua esse temporanea g° subiecta [illegible] et [illegible]
terea [illegible] confirmare debet
Adde quod [illegible] transfert [illegible]
~~[illegible]~~ iuxta [illegible]
At in presenti casu [illegible]
[illegible] scilicet locatio ut ad tempus; non autem per
petua g° onus probandi in contrarium incum
bebat colonis; unde cum isti non exhibuerint in
hoc iudicio instrumentum concessionis colonie, sequi
tur dicendum quod certo certius illud non [illegible]
et [illegible] quod locatio non [illegible]; sed
[illegible] et [illegible] temporanea et [illegible] subiecta [illegible]
meabus
Ulterius consideratur ex [illegible] contra consortes [illegible]
[illegible] de anno [illegible] ne [illegible] asblaba ab [illegible]
[illegible] sed [illegible] executioni [illegible]
matione meliorationum colonorum fol. [illegible] et
ter.
Ad [illegible] coloni non iure [illegible] [illegible]

Margin: D. Hyeronimi Venuti [illegible]

certe non agnoscerent a re dicte sententie sed contra

ipsam aclamarent et ab ea appellarent et eo cum

id non fecerint sequitur dicendum quod locatio

generis fuerit semper temporanea et non aliter

Et quod absque difficultate coloni possederint semper

et iudicant ipse simplici dictu habetur ea ex verbis

extensionis extimationis melioramentorum colonorum

ibi

tenuto et lavorato ad afitto temporale
per Batista Biel et consorti detta ...

hec enim verba ... in dicto Denuo et in ... publicis

... summopere animaduertenda quia si venditio

... non fuisset ... illa in extimatione non

apposuisset et cum ea apposuerit sequitur quod de iure

excomea ... absque dubio nullo modo venit

Deus immortalis quid uberius desiderari poterit ubi

est contemplatio ... certius cum in con-

demno ... iudicii nulle ... quam in

condemnando

Enim in casu ... semel sed seminata ... voluntario ex sententia ... ex extimatione

melioramentorum ... indicatum venit

... voluntaris ... arguo

et dico ... coloni illius ... pro ...

... loco illius ... egionis ...

et confirma... instrumentum

Et Clare tunc manu [illegible] in quo facti fuissent
considere iure simplici actibus et nullo modo velle
comeatum impugnare, non ne [illegible] valeret
ad licenciandos colonos presenses qui [illegible] habent
ad illis antiquis et sedent in eorum iure!
certe [illegible] cum vis instrumentorum semper [illegible]
quinimo vires maiores aquirant ex antiquitate
temporis

Sed sic est quod actus voluntarius in iudicio [illegible]
habet eandem vim ac si esset instrumentum [illegible]
in iudiciis quam contrahabur quod dicentur [illegible]
quod vigore actus predicti comeatus veniant con[illegible]
mandati per inde ac si esset instrumentum ~~cum~~
~~habent eandem~~

[illegible] omnibus adiuvantibus [illegible] quod in presenti iudicio
possessionis colonus non sunt consortes dicti contra-
dicendo comeatui referunt questionem dominii [illegible]
[illegible] illorum patrono

At colonus non [illegible] ne dum dominio referre [illegible] dicere
[illegible] si quis contentionis [illegible]
[illegible] possessionis et qui unum ~~[illegible]~~ locum [illegible]
illorum contradictio [illegible]

Fundamentis sic iactis virtualiter solutum contrarium
verum quoniam [illegible] responsio iuris [illegible]
[illegible]

audeto particulariter respondendo dico.

quod

[illegible] considero tandem quod licet coloni ius [illegible] habuissent tamen [illegible] ~~[illegible]~~ perinde enim est comentandum ut in [illegible] benuo conuenissent [illegible] quoniam [illegible] sunt coloni [illegible] et iuxe [illegible] aficibus

Venia cui habet [illegible]

2. Considero tandem quod [illegible] etiam habet locationem [illegible] conductum [illegible] vel conventum [illegible] et [illegible] colonus ipse [illegible] secundum [illegible] iuniorem [illegible] nº 18 et 17 lib 2

C. [illegible] considero [illegible] primo loco de anno [illegible] comea tum voluntarie [illegible] et eandem [illegible] [illegible] secundo loco [illegible] venent [illegible] voluntate [illegible] ~~[illegible]~~ nemno [illegible] cet ius [illegible] coloni [illegible] nent [illegible] ~~[illegible]~~ ei renunciasse

quod in negm

[illegible] tremissi [illegible] ne [illegible] quoniam [illegible] mas [illegible]

quoad P^m [illegible] constat cum [illegible]
[illegible] 1447 fuit ut [illegible] [illegible] habet [illegible]
[illegible] esset [illegible] [illegible] cum
sit [illegible] [illegible]
[illegible] sententia [illegible] scriptura
[illegible] inter auctores [illegible] arbitrum [illegible]
[illegible] et dicit [illegible] non
enim inter sic [illegible] [illegible] iudicio [illegible]
venissent [illegible] [illegible] constabat
[illegible] secundum obiectum [illegible] ubi
non obstat cum hec habere non [illegible] nec [illegible]
locum in eam [illegible]. Non quo ad [illegible] voluntarii
[illegible] cum sit [illegible] et habeat [illegible]
instrumenti [illegible] non [illegible] coloni instrumen-
tum [illegible] et nove locationis fecerint
non [illegible] contra [illegible] ad [illegible]
[illegible] ita pari modo [illegible] non [illegible]
[illegible] voluntarii [illegible] cum [illegible]
[illegible] esset instrumentum [illegible] quod
prout [illegible] in [illegible] coloni qui fecerunt [illegible]
[illegible] nullo modo certe [illegible]
[illegible] venire contra [illegible] mi-
[illegible] vel [illegible] ita pari
modo non [illegible]
cum [illegible] facto
defunctorum . ..
Respondes [illegible] loco quod nec quoad [illegible]

prescriptio in [illegible] iudicio [illegible] enim [illegible]
[illegible] suspicionis a legibus noscitur remedium
impium et fuit [illegible] in odium
negligentium; et in casu nostro locabere
[illegible] D.ni Canonicum nos fuerunt negligentes
in exequendo [illegible] [illegible] [illegible]
[illegible] fuit publicata fuit quoque [illegible]
[illegible] ut apparet ex estimatione melioramentorum;
licet autem [illegible] D. Nicolaus [illegible] fuerit
[illegible] in fundo manere non obstat exemplo
[illegible] nostrorum qui etsi diu domi nostre
manserint [illegible] tamen [illegible] [illegible]
ut [illegible] nostrum [illegible] ad nos in cas.
[illegible] de appell. et l. 2 in l. 1 et 2 Cod. de
[illegible] et aqua [illegible]

Hic namque [illegible] [illegible] ultra [illegible]
[illegible] bona per mille annos [illegible] ad [illegible] non
[illegible] [illegible] [illegible] quia a die [illegible]
[illegible] [illegible] [illegible] locata [illegible] in
futuri anno secundum text.
[illegible] anno [illegible] locatio [illegible]
currere [illegible]

Nota quod considerandum est quod in presenti iudicio
non [illegible] [illegible] [illegible] ita ut [illegible]
[illegible] [illegible] [illegible] eam oppon[illegible]
[illegible] exceptio [illegible] [illegible] confirma
[illegible] sententia [illegible]

9

Oldericus a Porta
in causa Cyri de Rizzardis
contra
nob. Fulviam Bisonam

† Ioannes Amicus Testator

† Claudius — † Paulus — † Silvia, de cuius dote modo agitur

† Bartolameus — † Richardus — Cyrus

† Cinthia

Vixit alias Nob. D. Ioa: Amicus Rizzardus, qui susceptis duobus Filiis Masculis nempe Claudio, et Paulo ac Silvia Filia Foemina, tandem [illegible] [illegible] [illegible], condidit testamentum, et constituta dote duc. mille [illegible] eius Filiae Silviae cum lege quod si decesserit absque liberis [illegible] in [illegible] deberet eius [illegible] 45, caetera omnia eius bona sub onere Fideicommissi, et [illegible] heredes instituit Claudium et Paulum, et Masculos ex eis nascituros, et descendentes usque in infinitum. Mortuo Testatore Silvia nupsit [illegible], [illegible] [illegible] et d. Claudius uxorem duxit, et ex ea [illegible] suscepit nempe dd. Bartolameum, Richardum et Cyrum, obiit tandem relictis dictis tribus Filiis [illegible], et d. Paulus [illegible] decessit. Inde [illegible] Fideicommissi [illegible] Trium fratrum, quorum alter nempe d. Bartolameus uxorem duxit, et suscepta d. Cinthia Filia [illegible] in pupillari aetate [illegible] decessit [illegible]. Inde nobiles dd. Cyrus, et Richardus remanserunt [illegible] ex Familia, et descendentibus testatoris [illegible] Fideicommissum [illegible] [illegible] [illegible] [illegible]

Bartholomeo, D. Fulvia eius Uxor nomine suo
Paternam dote[m] [illegible] in Bonis [illegible] et
Dni Pauli eius Patris [illegible], [illegible] Pupillae
de dote congrua in Bonis eiusdem providendi
[illegible] seu haereditatis et [illegible] ex Patris
[illegible] Testam[ento] ex donationis q. D. [illegible]
contemplatione matrimonii eidem Pupillae [illegible]
[illegible]; e contra vero nob. DD. [illegible], et
R[illegible] instarent decl[aratio]n[em] evenisse [illegible]
Fideicommissi Aviti in eorum personas ipsisque propterea
sibi adiudicari, et [illegible], antequam ad [illegible]
excorporationes dotium deveniri posset;
compromisso [illegible] instantiis facto, [illegible]
[illegible] fuit [illegible] evenisset casus Fideicommissi
in personas dictorum DD. Fratrum, inde [illegible]
ad [illegible] vocatorum, dedictiones dotium [illegible]
[illegible] [illegible] modo, [illegible] in ea [illegible]
[illegible] alios hic omittere [illegible] DD. [illegible]
decernendo excorporationem Fideicommissi [illegible]
in medietate tantum Haereditatis Fideicommittentis
[illegible] [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] a Testatore, et [illegible]
Trebellianicam [illegible] ut [illegible] in [illegible]
Testam[ento] inde [illegible] [illegible], nec [illegible]
nec [illegible] [illegible] in l. [illegible], et in [illegible]
Vaimus Cod. de inoff. testam.; Tamen DD. Fratres
pro evitandis expensis, Arbitrariis [illegible]
inde [illegible] q. D. [illegible] [illegible]
[illegible], et [illegible] [illegible] [illegible],
[illegible] [illegible] in [illegible] a [illegible] [illegible], [illegible]

excentua deductio Fideicommissi praecedit

et quoniam non [illegible] in quibus

restitutiones dotium [illegible] committerent tacite [illegible]

in Bonis Fideicommisso subiectis uxoris [illegible]

indicantium; sicque diminutum remansit Fideicommissum

ad [illegible] vocatorum usque ad summam [illegible] 1543

ut ex imperio [illegible]

est videre; cum [illegible] sic se habeant [illegible]

[illegible] ~~[illegible]~~

~~[illegible]~~, sicque dictus [illegible] solus remansit

superstes ex vocatis a Testatore, accessit [illegible]

ultimorum [illegible] Testamento, [illegible]

Blandus [illegible] institutus haerede in Bonis [illegible]

sui [illegible] extractis ex Fideicommisso, et [illegible]

Domina Silvia [illegible] Testatoris Fideicommittentis filia

[illegible] maritibus [illegible] haberi

[illegible]; inde ad [illegible] die [illegible] remansit

conditio restitutionis [illegible] [illegible]

te [illegible] in Testamento, [illegible] Patribus

[illegible], [illegible] contendere [illegible]

restitutionem, licet d. Silvia de [illegible] eius [illegible]

disposuisset ad sui commodum, valensque [illegible]

debere, [illegible] Vaccari Monte [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] in [illegible] [illegible]

inde cum modo debeat, et [illegible]

[illegible]

Video dicti, et [illegible] in [illegible]

quaestione [illegible] Eques Forsa, ut [illegible]

[illegible] modo [illegible] [illegible], [illegible]

Et [illegible] videas [illegible]

Quod in ultimis voluntatibus mens [illegible] est
semper spectanda, et in dubijs amplectenda
lex est [illegible] in conditionibus [illegible]
[illegible]; et demonstrat [illegible] de fideicommiss.
[illegible] Imperator [illegible] Testator, et [illegible]
[illegible] Auth. de nupt., [illegible] in hac
[illegible] exequi
vel negare [illegible] quemadmodum [illegible]
Unde non erit [illegible] videre qualis fuerit [illegible]
[illegible] Joannis Antonii Patris Testantis circa [illegible] modo
contingentia [illegible] ille, et [illegible] Filij
reliquit; [illegible] tamen eius haeredis [illegible]
[illegible] sine liberis, vel in pupillari aetate
decessisset, et ratio finalis [illegible]
institutionis in suo testamento [illegible] fuit [illegible]
ad hoc, ut hac Bona [illegible] in familia
quoad fieri potuisset, [illegible] alijs [struck through]
[illegible] in suo testamento [illegible]
[illegible] haeredem omnia eius
Bona Fideicommisso [illegible]
[illegible], et [illegible]
debet adhoc ut [illegible] ad [illegible]
descendentes quoad fieri potuerit, [illegible]
[illegible] Bona
Futura haereditatis Testatoris, [illegible]
eidem [illegible] deberet [struck through] eius haeredibus
[illegible] conditione purificata, nec [illegible]
quoquomodo [illegible]. Unde [illegible]
fideicommissi [illegible]

[illegible] adiudicatam [illegible] ita [illegible] debeo
eidem [illegible] [illegible] [illegible] meus
[illegible] ut conservet in familia [illegible]
[illegible] lineas [illegible]
~~[illegible]~~ namque Nobilitas [illegible] ad Pauperiem [illegible] quaerit
[illegible] 55 ult: de Verb. [illegible] 5°
[illegible] a fortiori quod in [illegible] Arbitrariae
[illegible] ea [illegible]
subiecta, et [illegible] deductio in Primordio [illegible]
[illegible] ~~[illegible]~~ fuit [illegible].
[illegible] Fideicommissi [illegible] non fuit integre [illegible]
[illegible] diminutio, et [illegible]
usque ad summam [illegible] 1543 alienationibus [illegible]
a [illegible], [illegible]
[illegible] extracta fuit [illegible] Feliciae [illegible]
[illegible]
Bartolomeo, et tandem [illegible]
igitur licet [illegible] modo [illegible] non [illegible]
[illegible] a [illegible]
attamen antequam [illegible] a quovis [illegible]
deberet Fideicommissum [illegible] non [illegible]
reintegrari, ut [illegible]
[illegible] Testatoris ac [illegible]
[illegible] in familia [illegible] conditio
[illegible] Arbitrario, et [illegible]
[illegible] Fideicommissi [illegible]
[illegible]

Fideicommittentis una cum Bonis [illegible] [illegible]
et [illegible] Testatoris et [illegible]
sententiae [illegible] [illegible] [illegible] [illegible]
Fideicommissum quatenus diminutum [illegible] non videtur
cum [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] eadem ro. [illegible] et ut ita [illegible]
[illegible] tunc [illegible] ex alienationibus
et obligationibus [illegible] [illegible]
Bartholomaei ad [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ex bonis fideicommissi
[illegible] [illegible] [illegible] Paulo
[illegible], et heredibus; [illegible] tamen cedere
debuerit ad reintegrationem Fideicommissi [illegible]
[illegible], cum ex [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
Hanc sententiam impugnans [illegible] non posse cognoscere ex [illegible]
[illegible] et ideo [illegible] [illegible]
allegationem [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] Fideicommissi [illegible]
ex Alibrandi 1635 [illegible] a [illegible]
extensas pro faciliori intelligentia, exhibendae
[illegible] [illegible], non esse [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] illius [illegible] [illegible]
Postea [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
non obstantibus [illegible] [illegible] [illegible]

Ancitis a Testatoris [illegible] Pauli, [illegible]

[illegible] Fideicommissi D. Pauli, ac Cuius Caucitate [illegible]
agit D. Fulvia ex persona Filiæ suæ [illegible]
[illegible] Duc: 781 ; igitur ad ipsius redintegrationem
Duc: quingentos [illegible] Pecuntos in [illegible]
[illegible] licet [illegible] pendebat a
futuro eventu differente constitutus Dominus
Paulus, licere in Donatione facta contemplatione
matrimonij [illegible] (quod tamen non fecit ut
doctissime attentus fuit [illegible] Fulvia [illegible]
tamen obtinere non posset, cum cedere debeat
pro redintegratione Fideicommissi.

Accedat quod restitutioni dotis apposita fuit
Conditio obitus Antoniæ absque liberis quæ [illegible]
in [illegible] ipsius [illegible]
[illegible] demonstratio quod [illegible]
demonstrat: nempe ut dos redeat ad
Familiam et in ea [illegible]
conservetur, non prius operatur quam a die eius
Purificationis, et adimplementi, et ex tunc
ut inquit [illegible]
habet, et sic operatur effectus [illegible]
cum tempore purificatæ conditionis [illegible]
[illegible]
[illegible]
[illegible]
futura [illegible] fuit D. Fulvia
contra mentem testatoris [illegible]
[illegible]
[illegible] ex [illegible] Testam[illegible]

Credens itaque, quod d. [illegible] tempore celebratae Donationis [illegible] sibi facultatem disponendi de [illegible] 300 ut ea [illegible]
[illegible] nec tempore mortis neque antea [illegible]
[illegible] [illegible] [illegible] ad successionem [illegible] [illegible] ab intestato [illegible]
[illegible] Haeredes mei [illegible] [illegible]
et [illegible] in Tract. de [illegible]
lib. 6. tit. 6. [illegible] [illegible] ex
Familia, et linea masculina.
Quapropter [illegible] disponere [illegible]
de d. [illegible] [illegible] [illegible]
in ea [illegible] Fideicommisso [illegible]
[illegible] admitteretur [illegible]
a Patruo vocatus ab intestato.
Unde ex Fundamentis [illegible] in facto et [illegible]
[illegible] excludi ex [illegible]
et ex legum dispositione [illegible]
[illegible] expensis [illegible]
[illegible] Fideicommisso [illegible]
nec sustineretur, quod [illegible]
[illegible] [illegible]
[illegible] a legibus commendatis.

[illegible]

[illegible] a Porta

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible], eo quia [illegible], [illegible]
ad [illegible] atq. [illegible] a quo [illegible]
[illegible] retraxit; [illegible] de renaps [illegible] n.o 5.
Et ratio [illegible] [illegible]
[illegible] Patriæ de Agnatis, quæ [illegible] quod
Agnati [illegible] redimere Bona ab Agnatis [illegible]
[illegible], adeo ut Bona ipsa [illegible] [illegible]
ut [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] Hæredes q. Angeli
[illegible] Bona [illegible], et esse [illegible] a [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible]
[illegible] anno 162[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Bona [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Prima [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] dictos Hæredes q. Angeli
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible]
insanguineo [illegible] Bonis ab [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Hæredibus [illegible] [illegible]

[illegible] eund [illegible] ad [illegible] [illegible],
et ne [illegible] dolus, et malitia aperte
[illegible], [illegible] [illegible] [illegible], [illegible]
die 9 [illegible] 1640, in quo haeredes
[illegible] Angeli Fort ad [illegible] velle, et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
notatū in [illegible] [illegible] [illegible] [illegible] 68
[illegible] [illegible] [illegible] [illegible], ut [illegible] in
[illegible] [illegible] Bonu a [illegible] [illegible]; [illegible]
ut [illegible] in [illegible] discooperiunt [illegible]
[illegible] pro [illegible] [illegible];
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible].
qui deberent excludi haeredes Angeli
Fort, [illegible] [illegible] [illegible] qui [illegible] [illegible], et
[illegible] patet, ut [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]. et [illegible]; ut [illegible] [illegible] [illegible]
[illegible], et facta [illegible] [illegible]
[illegible], et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] de [illegible] [illegible]
Verum enim vero justitia quod [illegible] semel
[illegible] locum in [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quo

vocantur consanguinei ad redimendum Bona [illegible]
ab eorum consanguineis, quae erant ut Bona [illegible]
in familia manerent;

Haec conclusio clara, et [illegible]
Vendis [illegible] sub Rubr. [illegible]
et Vicin: Nigra [illegible]
Retractus, cum in eo dicitur

[illegible]

[illegible] vendantur, [illegible] quilibet Vicinus [illegible]
[illegible] eodem [illegible]

[illegible]

[illegible]

[illegible]

minibus [illegible] a [illegible] Unde [illegible]
[illegible] levi[illegible] [illegible] mitigari magis Regni
ne [illegible] [illegible] [illegible]
[illegible]
[illegible] regulariter
in hac [illegible] ex [illegible] [illegible]
[illegible] [illegible] attendenda [illegible]
Tiraquelli, de Retractu [illegible]
in Castellania, in qua [illegible]
obtinendo expendidit multas Pñus Ratis
totq defatigauit in lite et appellationibus
Fñus, ut patet ex [illegible]
minibus notorium et [illegible]
§ fi. ad Pñnes ff. de [illegible] [illegible]
quod ad aliquid [illegible]
multas [illegible]
[illegible] tradens
~~[illegible]~~
Nec obstante [illegible] [illegible] addicenda
[illegible] Pñnes [illegible]
[illegible]
[illegible]
[illegible] dicitur
[illegible] Vicecomite nempe Pñus Ptorem, et
hoc cessante is qui eum proxime sequit, quia
nec leges providerunt et habent [illegible]
[illegible] et Nostris Voluntatibus, Usus aut
in Retractibus [illegible]
[illegible] disputationis, [illegible] aut [illegible]
[illegible] et [illegible], a quo [illegible]

interpretationem Tomi [illegible] ing n.o 19 [illegible]
ic habeant in contrarium, et concedant [illegible]
[illegible]
[illegible]
[illegible] valere posset a [illegible]
haberet locum in casu non, in quo haeredes
fuit dolose, ac contrariae excitavit haeredes
[illegible]
[illegible]
[illegible] et [illegible] 1157

[illegible]
[illegible] detestationem
[illegible]
fine, qui [illegible]
in familiam, si enim eius decerneres,
[illegible] inquires, et esset, quod
Primitio statuti inductas in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] omnia.

[illegible]

[illegible]

[illegible]

Clienio ... Porta

Allegoria [illegible] Gio. Batta

[illegible] alio [illegible]

[illegible]

È stato convenuto in questo Giud.° l'Ill.mo Gio: Batta [illegible]
come Possessore dell'Heredità del q. [illegible]
[illegible] suo Zio, et come ultimo [illegible]
[illegible] del medesimo. Queste due [illegible] sono state
[illegible] da Filippo Mineretti Attore [illegible]
[illegible]; onde per procedere et trattar
[illegible] dell'
Heredità [illegible] del q. [illegible] come ultimo
[illegible] le Beni [illegible]
[illegible] in alcuna [illegible]
[illegible] del Mineretti.

(2°) Come Possessore dell'Heredità [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] della [illegible]
[illegible] 20 [illegible]
[illegible]
[illegible] maggiori
[illegible] medesima
Et ma ciò [illegible]
[illegible] anche. [illegible]
[illegible]
[illegible]
[illegible] fatta in Processo a car.

li cioè restitutione dell'Eredità sud.ta al Ministro, et quello [illegible], che lui debba dar idonea sicurtà di non [illegible] fattioni per l'avenire patir molestia alcuna per li [illegible] Prossimi di d.ta Heredità;

Che qui [illegible] il Ministro [illegible] di non esser tenuto come pare [illegible] a dar [illegible] sicurtà [illegible] [illegible] occasione di molestia, anzi [illegible] [illegible] [illegible] [illegible] che questo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] andar [illegible], incontri, et inconvenienti a quali deve la giust.ma riguardare per indennità di d.o [illegible]; non essendo giusto, ne honesto che lui nella propria robba patischa, et satisfaccia gl'aggravij delle Robbe del [illegible]; trattandosi in [illegible] [illegible] d.o Ministro alcuno stabile, ò altra robba quale potesse restar obligata alli [illegible] sud.ti essendo anchi Poverissimo; ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] indicate. [illegible] [illegible] [illegible] Radice, et decidano que [illegible]

[illegible]

Haueua la V. Chiesa della Madonna [illegible] altre
Volte sequestrato un Canone di questa [illegible]
pretendendo la satisfattione del stesso agrumo, [illegible]
il quale non [illegible]
[illegible] il stesso [illegible] per il quale
anche all'Ecc.za mi molestato da [illegible]
[illegible]
[illegible] nel [illegible]
dalla [illegible] oblatione a [illegible]
[illegible] Gio: Batta [illegible]
anche dalla [illegible]
Hor dunque le all'Ecc.za [illegible]
atteso che Gio: Batta [illegible]
[illegible]
[illegible]
[illegible]
[illegible] quelli, che
contrattate à pagar il Canone, che sopra quelli
si pagano; [illegible] à suo fauore, ed l'admittione
d'oblatione hauendo Renouato il Sequestro. [illegible]
[illegible]
anche all'Ecc.za [illegible]
(Vincente) [illegible]
[illegible] d. V. Chiesa [illegible]
[illegible] agrumo
del quale Ecc.za [illegible]
[illegible]

seguire [illegible] rattar Co. do Innocenzo Scrittori
Comincio [illegible] Prete le [illegible]
seguisse il giud. reintegratione [illegible]
contrario all' atto di [illegible], [illegible]
et tanto [illegible] [illegible]
[illegible] di [illegible]
[illegible] Innocenzo [illegible] il [illegible] come
[illegible] di [illegible]

[illegible] [illegible] [illegible] contro
[illegible] Batta Tomei [illegible] Terzo Possessore, et [illegible]
[illegible] de Beni venduti dal q. [illegible]

[illegible] Dico se l'Attione sud.a è mal'intentata, et mal'
intentata da chi s'ha consigliata, la Proposta
[illegible] sono due Termini incompatibili, la [illegible]
[illegible] [illegible] Tantum [illegible]
et conuenirlo in giud. [illegible] Possessore
[illegible] del suo debitore [illegible] tempo
esso prima che segua alcun Giud., quando ancora
contro il medesimo come contro [illegible]
[illegible] le Beni del ~~[illegible]~~ debitore
[illegible] [illegible] Pubblica
[illegible] debitore.

[illegible] di Ragione certissima, [illegible]
[illegible] creditores [illegible] ad reuocanda Alienata
[illegible]
[illegible] debitores [illegible]
[illegible]

- ff. Cod. de act. dove anco il Bartolo in eodem
testo et la gloss. nelle parole ...
Hor nel caso presente il Ministro ...
G. Gio. Batta ... Relatione ...
del 9. ... et sentenza ...
quale ... adiudicata et ...
... sollevatione ...
anco ...
... contradittione, la supplicante
che ... sarà admessa da ...
... pattare ...
... devian...
è ... partite dalle ... stesse; onde ...
... Gio. Batta come
Possessore ...
... trattate ...
... Conditione ...
... il Ministro
... alibrar
...
di quella ... sollevata dalle allegata
...
...
...
ultimi ...
...
insufficiente a ... sollevarle, onde per questo
capo pare il Ministro molestare ...
... possessione ...

Compratore: Onde se le risponde, che da lui non
vien stimata fare, anzi viene rimostrato assai
commoda come dal Processo, et molti delli
stessi che basta d'allegare una notorietà
mentre non si veda in atto fatta esperienza
alcuna giudiciaria per la quale certitudinariamente
si debba mostrare della vendita, et più
commune, et è il Prezzo di quello che ha fatto
l'estimatione [illegible] aver [illegible] agirsi dalle
Parti nel retto;

Et subbietto per modo [illegible] [illegible]
che il Ministro nell'altra [illegible]
Heredità del q. [illegible] [illegible] [illegible]
[illegible]
[illegible]
[illegible] [illegible] li Beni [illegible]
q. [illegible] [illegible]
poter [illegible] lui ottenire [illegible]
[illegible] dal Processo non esse [illegible] ma [illegible]
ultimi Compratori et Possessori [illegible] li Beni
[illegible]
Il Primo [illegible]
[illegible]
[illegible]
come appari in Processo a car: [illegible]
chiamato [illegible]; onde [illegible]
[illegible]

Che mi p[ar]e à questo non può essere [illegible] come
ultimo Compratore, contando dagl' [illegible]
[illegible] anni 73 et [illegible]
[illegible] fabricato contro Beni dal d[ett]o
[illegible] 1612 [illegible]
[illegible]
[illegible], et quattro anni [illegible] altri [illegible]
[illegible] et però in quanto [illegible]
non vi è luogo ò difficoltà alcuna [illegible]
[illegible] il quale resta [illegible]

L'altro acquisto d'[illegible] Gio: Batta [illegible]
d'Un campo in [illegible] posto nella [illegible]
del Castello, seguì l'anno [illegible] 20 [illegible]
et sopra questo l'Autore [illegible]
il d[ett]o che [illegible] mesi [illegible]
all'[illegible] anno [illegible]
soggetto alla sua Instanza, et [illegible] insequenza

[illegible] dell' [illegible]
[illegible] l'Illatione, et
[illegible] il Fondam[en]to [illegible] fermato
[illegible] Gio: Batta [illegible]

Imperoche si vede da quello, [illegible]
non Compra dal [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] anni 53 [illegible], in loco suo, et

et nella sua stessa ragione, onde rappresentando
il luogo detto rispetto à quello, ancor et non
godimento la Confraternità sud.ta, et ritrovandosi
nel loco stesso, et nella ragione della medesima;
sì come lei non potrebbe mai che possedesse
d.a Terra essere molestata come [illegible]
Confraternita, essendo anco acquistato in anno
[illegible] come appare dal Documento à carte [illegible]
[illegible] non può essere inquietato il quale
essendo subrogato nel loco stesso, et Antianità
à tempo, per la regola di ragione [illegible]
che subrogatus sapit naturam eius in cuius
locum subrogatur, et sustinet vices eiusdem
come il test. nella L. sed secundum quod dicimus
ff. de petit. hered., et la Gloss. nella L. certa
Conditio nel principio ff. si cert. petat.
onde si deve attendere l'Antianità della Confra
[illegible]
[illegible] il q. E. Val.o quello
[illegible]
[illegible] con comprato dal Pio; ma entrato
nelle ragioni di d.o Pio loco; Concludo per tanto
che [illegible] deve essere per ogni
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Minacitto interno di Fruciati, et altri ultimi
usurpatori de' Beni del q. Sig.r Pa.to [illegible] in loro
che ne' tanto Mori Fallito, in quanto che [illegible]
sostentare la Numerosa Famiglia del d.o
Attore suo Genero, anche si [illegible] d'una tregua
mente dalle [illegible] [illegible] [illegible] che
sopra le Positioni negate recitate [illegible]
a' Cap. 63. si debbono essaminare; se bene
di già senza altre Prove [illegible] è
stato di certa Vittoria.

[illegible]

Uldericus a Porta

Allegationes

[illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible]

[illegible] [illegible] [illegible] de [illegible]

[illegible]
[illegible] [illegible]
[illegible] [illegible]

Sunt alias [illegible] [illegible] [illegible] [illegible] de
[illegible], qui [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] ac [illegible]
[illegible] [illegible] [illegible] [illegible] alio [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] expellere [illegible] [illegible]
[illegible] [illegible] [illegible] ex [illegible]. Ex
[illegible] eidem tales qualitates assignationes
[illegible] [illegible] ut [illegible] [illegible] [illegible]
[illegible] ex [illegible] [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ut [illegible]
[illegible] assignatio [illegible] [illegible] [illegible] nec
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] potest, ut
[illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible] [illegible]
Unde [illegible] esse [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] quam
intellectu [illegible] [illegible] [illegible] [illegible]
[illegible] Parte [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] assignatio
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

~~[illegible]~~
~~[illegible]~~
~~[illegible]~~, ut in Processu fol. 23 in quo
[illegible]
et esse [illegible],
[illegible] repetes. [illegible]
[illegible]
interesse [illegible]
[illegible]
Bernard [illegible] mortis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Et [illegible]
[illegible]
[illegible]
[illegible]
Moneor ad id veniendum, et concludendum ex [illegible];
[illegible]
[illegible]
[illegible]

[illegible] paternas alienare [illegible]
[illegible] legitimas petendas, cum Pater
[illegible] [illegible] eis tradendas [illegible]
[illegible] 18 [illegible] Pater [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] Bart. [illegible] quam [illegible]
[illegible] [illegible]
quamq. [illegible]
[illegible]
[illegible]

([illegible] aut a [illegible] [illegible]
ad [illegible] [illegible]
[illegible] Patri [illegible]
[illegible] morte [illegible]
morte [illegible] deportationis [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] Patris [illegible]
[illegible] Monachatio, [illegible] quando Pater ingredi[illegible]
monasterium, nam tunc subjicitur potestati
Abbatis, [illegible] in potestate.
[illegible] [illegible] [illegible] adulter

Quintus modus est captivitas ut quando
Pater capitur ab hostibus; sextus modus
est Emancipatio quae fit relaxatio seu
solutio Patriae Potestatis, in qua filius a sua
a Patris Potestate dimittitur, ut in Emancipatione
[illegible] de adopt: et in [illegible] de emancip:
liber. Septimus modus est adoptio
filiationis [illegible] ab [illegible] adoptatus
[illegible] Paternam vel Maternam liberatur
a Potestate Patris naturalis [illegible]
[illegible] et [illegible] de adopt.
[illegible] Patris [illegible]
[illegible] quilibet [illegible]
[illegible] quilibet assignatio
[illegible] Paternam; tandem ad [illegible]
[illegible] Bona [illegible] dicebantur
[illegible] effectum Proprie
ex substantia illius, [illegible]
seu aliena [illegible]
~~[illegible] Patriae Potestas [illegible]~~
aliquo [illegible] fuerat liberatus
adeout [illegible] ex Primus [illegible]
Portionis [illegible] assignare
[illegible] Potestate
Patris esset [illegible]
[illegible] Bona Paterna obligari [illegible]
[illegible] sententia

i Primo [illegible]

a Patria Potestate

l. qui in potestate ff. de iure codicill. et l. [illegible] Cod. eod.

Et si dicas quod Pater divisiones statuendo inter filios, et assignationes eis faciendo [illegible] est in [illegible] videatur [illegible] ipsos emancipare, et a patria potestate liberare, eosque declarare [illegible] portionum [illegible]; Unde [illegible] ad [illegible] regressus nec [illegible] obligationibus [illegible] [illegible] [illegible] remitti.

Respondendum quod emancipationes [illegible] fieri debent verbis expressis, coram Judice, eius auctoritate, modo et forma, ac cum solemnitatibus expositis sub tit.o Cod. de emancipat. liber.

Unde in casu nostro, cum Ruinius non [illegible] solemnitate emancipatio [illegible] [illegible], et obligationes [illegible] [illegible] [illegible] remanent.

[illegible] remanent et [illegible] proclamate [illegible] et publicate [illegible] [illegible] [illegible] Patris de anno 1620 in [illegible] [illegible] Pinthumi, et [illegible] in Villa et [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] influentia, quo [illegible], [illegible] [illegible] nullo modo [illegible] [illegible] [illegible] [illegible] [illegible]

qui ut antea firmavi non erat obligatus
ad tradendum legitimum [illegible]. Eidem loco
alimentorum assignaverat quandam summam
bonorum de ipsius consensu ut inde [illegible]
nec tamen quo ad [illegible] [illegible] quo ad usu=
fructum [illegible] [illegible] [illegible] anno 1720
cognoscitur quod [illegible] [illegible] [illegible]
extorquere [illegible] [illegible] [illegible]
vel [illegible] [illegible] [illegible] [illegible]
constitutione [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
quod [illegible] [illegible] [illegible] declaravit
[illegible] [illegible] a [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
ut [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
in [illegible] fecit [illegible] [illegible] [illegible]
ex [illegible] [illegible] [illegible] ne [illegible]
et in [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] qua [illegible]
[illegible], ut antea firmavi; Unde ex
ipso Proclamate huius Nobilis [illegible]
ad illam exceptionem [illegible] [illegible]
ex qua invaliditate [illegible] [illegible]

stentis; Primum est quod q. antedictus
nec assignaverit, nec in mente, et
intentione umq(uam) habuerit assignandi dictis
mercatoribus Proprietates Bonorum in traditam
formam alimentorum; quoniam assignatio ista
fuit voluntaria, nec aut necessaria ut
[illegible] demonstrari. Unde accipi debet
tum verbis, et intentionem assignantis
in contractibus [illegible] observari nihil
intentionem contrahentium [illegible]
omnis; quod cum [illegible] est [illegible]
sit [illegible] [illegible], et [illegible]
[illegible] in [illegible] bonis, nec [illegible]
[illegible], [illegible]
[illegible]
2dum [illegible] est quod [illegible]
dedit causam [illegible]
[illegible] stentis;
[illegible] fuit [illegible], et
[illegible] 1620
[illegible]
[illegible]
[illegible], Unde
egit [illegible] [illegible] in [illegible]
esse [illegible] in Potestate [illegible]
alimentorum; [illegible]

intelligentiam, predictis visis et edictis
predictis omnibus et singulis illius Villae
contravenire, cum d[ict]o [illegible]; et tamen
contravenire [illegible]; Unde [illegible]
dictus est ipso iure nullus; verum et
teneretur ad poenas contentas in Proclamationibus
de quo nec potuit nec potest praetendere
ignorantiam, eo quia ne dum in locis
[illegible] et Castelli, verum [illegible] Villae
[illegible] publicatis [illegible]
attentis [illegible]; et
[illegible] concludo [illegible]
[illegible] ad instantiam dicti
[illegible], cum [illegible] Bonae [illegible]
[illegible] et Conducti eius [illegible]
[illegible] 1625 [illegible] de quo in Proclam.
[illegible]

[illegible] in
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] quod attinet ad
[illegible]
[illegible]

illius, ad [illegible] nec potuit nec debeat
quod E. [illegible] voluisset aliter
sentire, hinc te ipsum eius integris
[illegible] [illegible]; [illegible] [illegible]
allegandi, celebrandi [illegible] fuerat
in hanc eandem [illegible], et in eo fuerat
conventum quod [illegible] eius [illegible] cederet
quod habebat, et [illegible] [illegible] [illegible]
[illegible] [illegible], in [illegible] [illegible], quod
[illegible] et [illegible] [illegible] [illegible] [illegible]
contractus; sed ex qualitate, et quantitate
Pretij; non enim Pretio [illegible]: [illegible]
[illegible] Bona Valoris [illegible]: [illegible],
[illegible] [illegible] [illegible] Proprietate,
~~[illegible]~~, sed [illegible] de [illegible]
[illegible], et [illegible] [illegible]
habebat; ideo [illegible] [illegible] ad
[illegible] [illegible]; [illegible] [illegible] nec
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] namque fuerat [illegible] [illegible]
[illegible] et in [illegible] [illegible], ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible], quia [illegible] [illegible] [illegible]
[illegible]; [illegible] itaque [illegible]
[illegible], et Mentem ac Voluntatem E. [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

C. Auxilio à Dño

Per decisione delle difficoltà vertenti trà il Nob. Sig.r Pietro Arigoni da una, et la Nob. Sig.ra Lugretia Valentina sua sorella dall'altra per occas.ne delli Testamenti delli qq. Nob. et Ecc.mo Sig.r Ascanio Arigoni loro Commun Pre, et Panphilo loro fratello; Vedute, et ponderate li Testam.ti sudetti con le scritture tutte che dalle Parti sono state presentate, et uditi più, et più volte in voce il d.o Sig.r Pietro coll'intervento del Nob. et Ecc.mo Sig.r Bartolucci suo Genero da una, et il Nob. Sig.r Giusto Valentino marito di d.a Sig.ra Lugretia dall'altra, et fatto maturo riflesso alle ragioni dell'uno, et dell'altro;

Invocato il Nome del Sig.r Iddio dal qle dipendono li retti giudizij

Noi Carlo Pace, et Conte Flaminio della Porta

Dottori Giudici confidenti, Arbitratori et Amicabili Compositori sententiando, et dechiarando unanimi, et concordi terminiamo in tutto, et per tutto come segue:

Che cosi la Cedola testamentaria del q. Ill.mo S.r Ascanio Vigoni, come il Testam.to del q. S.r Pamphilo suo fr.llo l'abb.o d'Lanthe sia tra intera, et formal efficente, acciò che in vigor delli medesmi aspetti al S.r Pietro nei Beni del detto il Fidecomisso ordinato dal S.r loro Pre, et alla S.ra Ang.a sia dovuta la rimett.e nei Beni liberi tutti del medesmo; et a fine che tutto ciò vortisca il suo effetto puntual.te colli modi, et forme stabiliti dalle Leggi;

Dechiariamo che

qte mi Periti deputiamo debba formar l'Atto della Estima, et facoltà tutta che si ambula hora morti possedena il q. S.r Att.o loro Comune Pre compreso in essa ancho il mobile delli Beni di

Peslerano di capitale di scudi 600;
et da questa all'ratta i Cancini tutti;
Li legati con Pesi, che Condizionati
nessuno eccettuato; il funerale ad
arbitrio suo; et la dote della sig.ra
Ottavia sua Nora nella quantità
che il s. Piero legitimamente mostrerà
esser pervenuta alle mani del q. s.
suo Pre, prima nei Beni medesimi che
le furno dati in dote, se erano in
essere al tempo della morte del d. s.
Attilio, se no in altri equivalenti ad
arbitrio del sud.o s. Piero; il resto tutto
si divida in due Parti eguali;

La dote massima di d. fig.ra

Una delle quali sia, et s'intenda applicata
alli due fig.li p Legittima, et Trebellia
L'altra sogetta al Fideic.o

Al s. Piero s'assegni l'intiera metà
sogetta al fideic.o, oltre il legato
delli scudi 2000 lasciati dal Pre doppo
la sua morte alle fig.le da esser prima
escorporato dall'intiera facoltà come si fara

Dottori Giudici Confidenti, Arbitratori
et Amicabili Compositori sententiando,
et dechiarando unanimi, et concordi
terminiamo in tutto, et per tutto come segue:
Che così la Cedola Testamentaria del q. Ill.mo
S.r Ascanio Rigoni, come il Testam.to del
q. S.r Pamphilo suo fig.lo Labb.o d'Lanche
in sua intiera, et formal efficacia, acciò
che in vigor delli medesimi aspetti
al S.r Pietro nei Beni ali Petto il
Fideicommisso ordinato dal S.r Conte Pre,
et altra S.ra nip.e sia donata la Vincess.e
nei Beni liberi tutti del medesimo,
Et a' fine che tutto ciò sortisca il suo
effetto puntual.te co' li modi, et forme
prescritti dalle Leggi;
Dechiariamo che
quei Beni deputiamo dovra formar
l'Asse della Pottion, et Facoltà tutta
che Giambula Lora morte possedena il
q. S.r Ill.mo Conte Comune Pre compreso in
essa ancho il Fino delli Beni di

Paleranno di sue à Du.ti 600;
et da quelli detratti li Carichi tutti;
li legati così Pii, che Condizionati
nessuno eccettuato; il Funerale ad
arbitrio suo; et la dote della Sra
Ottavia sua Nora nella quantità
che il S. Piero legittimamente mostrerà
esser pervenuta alle mani del q. S.
suo Pre, prima nei Beni medesimi che
le furono dati in dote, se erano in
essere al tempo della morte del d. S.
Ale, se no in altri equivalenti ad
arbitrio del sud.o S. Piero; il resto tutto
si divida in due Parti eguali;
Una delle quali sia, et s'intenda assegnata
alli due figli per Legitima, et Trebellia
L'altra sogetta al Fideic.o
Al S. Piero s'assegni l'intiera metà
sogetta al Fideic.o, oltre il legato
dei Du.ti 2000 lasciato dal Pre doppo
la sua morte alle figlie da esser prima
escorporato dall'intiera facoltà come è detto

la dote mastina(?) si dà figlie

a' fine che sua vitta durante esso s.r Piero
habbia il godim.to d'esso, et doppo di lui sia
dato alle medesme, et ai loro heredi
resservante;

L'altra metà veram.te come robba libera
sia divisa tra' il s.r Piero, et la s.ra
Lugretia come herede testamentaria del q. Felice

Et perche d.i s.ri loro fratelli in piu tempi
cosi uniti come separati hanno fatte
molte alienationi, decidiamo che il
s.r Piero imputi nella Portione di
ciascuno quelle che cadauno separatam.te
ha fatte; Et [illegible]
quella unità applicando a cadauno la
sua Contingente;

Alienationi Particolari di ciascuno, intendiamo
quelle che ogn'uno di essi separatam.te
ha fatte; communi veram.te siano l'
altre che co'l intervento da essi unitam.te
fatti, o' doppo ratificate, o' approbate
saranno seguite;

Nei primi l'Atti dell'heredità [illegible]

dovranno esser compresi anco i Mobili
hauuto però riguardo à quello che di presente
possono valere, et non altrim.te; Et che
oltre li mobili, che saranno in essere
s'intonasse che ne fussero stati venduti
ò dolosam.te consumati, si ponga nell'
Asse il Prezzo d'essi, et poi s'imputi
nell'alienationi di ciascuno che gl'
haurà distratti; et perche il d.o Prezzo
s'habbia a liquidare con ogni maturità
et celerità possibile, terminiamo che
il Nob. s.r Piez. Montegnaco Parente Com.e
che interuenne anco l'altra volta
alle diuisioni d'essi, habbia a dar
le necess.e informationi al s.r Perito
in dirle la sua opinione intorno la
qualità d'essi mobili distratti, et
loro Valore; Il medesimo sia, et
s'intenda delle, et terminato delle
Vesti, et ori che erano in Casa,
et pegnorati sopra il sacro Monte,
nel liquidar li quali mentre di sopra

in essere resta pregato il S. Montegu
come vostra, essendo nostra risoluta
intenzione che si veda, et scandagli il
loro Valore, et chi gl'habbia hauuti
poiche siano imputati à Cadauno;

L'Anelli di Ragazna et Porta come inutili
et inesigibili siano lasciati da una
Parte, et d'indi liquidi separatamente
fra i stessi acciò ogni una delle
Parti avvenire se ricorra à proprie, sopra
de' suoi esigibili

La Partita di ... Schiavonesco, o ...
s'intenda una sola, et indi ...
chiaro ... ... stessi;

L'affitto di ... via dato alla S. ...
come quello che è proprio suo dotale;

Il Anello s'hanno di veder se è ...
et si ponga nell'alienazioni di chi
l'hanno fatte;

al... ... ... del...

Il Cocchio di Giuditta si vedano si ponga
nell' attivo, et si liquidi; quanto
veramente alli frutti d'anni sette, ne
quali il d.o Pietro l'ha tenuto pegnorato,
si rimettemo di terminare quello sarà
di ragione nella decisione delle
reciproche contese che dovremo fare
già di Loro;

Li miglioramenti della casa che viene
asserito ascesero di scudi 400 in circa
si veda se realmente erano in essere
al tempo della morte del d.o Sig.re
Fidecommittente, et si pongano nell'
attivo, o pegioramenti veramente, s'applichino
a danno di chi gli haverà fatti

Il Prezzo della casa che fu di scudi 2030
si veda chi delli detti Cugini predetti
l'habbi havuto, et quello che ne havesse
ricevuto di più della metà restituisca
all'altro, dechiarando in oltre che le
liti cominciate, et [illegible] non hanno posto
nell' Attivo attesoche furono fatti scudi
200 di 600 del Terreno di [illegible] messe

alcuno d'essi [illegible] di quello havesse [illegible] per la parte delli mobili [illegible]

[illegible]

~~Il Cinello Conadro, et Trinità non han potti quelli affitti come viti dal S.r Pietro solo.~~
~~Il Cinello Conadro, et Trinità non han potti nell' affitti (?) mentre sono stati dati per parte del S.r Pietro degli affitti di [illegible] orba~~

Il ~~Cinello~~ de' Pri delle [illegible] come ~~detto~~ dato ai S.r Pietro, dal S.r [illegible], nell'alienatione che le ha fatta doverà esser in partitione [illegible] fuori dell'altre;

Et perche d'[illegible] le Parti in molti [illegible] dell'alienationi fatte così in solido come separatamente da ciascun di loro.

Perciò per toccare piu che sia possibile le contese terminiamo

Che Alienationi in solido s'intendino [illegible]

in affitti al q. S.r [illegible] Mazzoli per [illegible] 297

A S. Nicolò [illegible] per [illegible] ——— 106

A S. Val.n Caligari per ——— [illegible] 108

Al S.r [illegible] Ventura per ——— [illegible] 55

Al Randano per [illegible] ——— 234

Al R.do Curato Cevello __ sc.ti 80 –
Al Nob. S.r Simeoni __ sc.ti 362 –
Al R.do Prev.o di S.ta Maria __ sc.ti 370 –
al d.o per altri __ sc.ti 45
Al Campanaro __ sc.ti 78
Al S.r Simeoni __ sc.ti 56

Summa tutto sc.ti 1687

Alienationi Particolari del S.r Pietro
Al Nob. S.r Nicolo Val.e __ sc.ti 114
o tanto meno quanto appanirà dall'istr.o
Al Nob. S.r Nicolo Simeoni __ sc.ti 50 –
Al S.r Pietro Piamin __ sc.ti 135 –
o tanto meno quanto apparirà dall'istr.o
Al S.r Val.e per altri __ sc.ti 200
item al d.o __ sc.ti 95
A Amadio Richetino __ sc.ti 129.23
Al S.r Val.e __ sc.ti 344.23
Al d.o __ sc.ti 72 –
Al Conado, et Tonnina __ sc.ti 200 –
Al S.r Val.e sopra la Casa materna L. 43
quali altri sc.ti 113 per li quali a cc. in v.ta

Lug.a che Ea' venduto al Campanaro de le attegnano le Prone; come quel de di' Sui Campi o' decis; alienat. e Rainina et ogni altra uendita esi hauesse fatta donna in oltre imputarsi al d.o S.r Piero Per l'affitto d'[illegible] 12 q. uendute al d.o S. Vals che se haueua detto d.o S.r mancha soppalig. [illegible] 432

Alienationi Particolari del d.o [illegible]

Alli Pri di S. Amico di Cividale		[illegible] 130
Al S.r Juda p	Duc.ti	360
Al S.r Vals p	Duc.ti	298
A E metà [illegible] p	Duc.ti	105
Al S. Cod.o [illegible] p	Duc.ti	130
Al Bartol.o [illegible] p	Duc.ti	40
Al S. Iosepp Volpe p	Duc.ti	40
Al S.r Vals p	Duc.ti	66
A E Piero [illegible] p	Duc.ti	20
Al S.r Vals p	Duc.ti	56
Al Trinitario p	Duc.ti	43
Alla [illegible] di S. Alo	Duc.ti	43

in tutto q.ti ad altre alienationi; attegnano le Prone cosi al S.r Piero

come alla d.ta Ingrezia da' esser
fatte in' term.i brevi

Con la norma di' sopra prescritta dovrà
il s.r Renier procedere alle sue operazioni
et se avanti d'esser nata' contest.a
alcuna fra le Parti s'intendano
di decider cosi questa come ogn'
altra che insorgesse, o' al presente
restasse indecisa.

Con l'assenso della Parte d.ti Confidenti

[illegible] .

Duplicato

Per gratie delle Signorie [illegible]
il Nob. S. Pietro [illegible] da [illegible],
et [illegible] Nob. S. [illegible] [illegible] [illegible] dalli
altra [illegible] grate delli [illegible] delli
qq. [illegible] [illegible] [illegible] [illegible] uno
[illegible], et [illegible] [illegible] fratello, et loro
heredità; Veduti li [illegible]
con le [illegible] tutte [illegible] dalle Parti
[illegible] introdotte, et [illegible],
et uditi [illegible] [illegible] il detto
S. Pietro [illegible] intervento dell'Ecc.mo
S. Bortolameo [illegible] [illegible] [illegible]
il Nob. S. [illegible] Val. [illegible] [illegible]
[illegible] [illegible] dall'altra, et ponderate
le ragioni tutte dell'uno, et dell'
altro.

invocato il nome del [illegible]
dal quale [illegible] [illegible]
[illegible] Carlo Pace, et [illegible] Lorenzo Della Porta
[illegible] [illegible] [illegible] [illegible]

Amicabili compositori sentendo
et dechiarando unanimi, et
concordi terminiamo in tutto, et
per tutto come segue

Che così la cedola testamentaria
di [illegible] et [illegible]
come il testamento del q. [illegible]
[illegible]
formale esse, così che in vigor
delli medesimi [illegible]
nei Beni del recto – aspetto il [illegible] ordinato [illegible]
[illegible]
[illegible]
[illegible]
[illegible] sorte ~~[illegible]~~ di
ragione del medesimo, et a quelle che ritocca [illegible]
et [illegible] il suo effetto così [illegible]
[illegible]

Dichiariamo che il [illegible] che sarà eletto
dalli [illegible]
[illegible]
[illegible] Facoltà [illegible]

comp. che anco il [illegible] di [illegible] l'anno 600

morto possedeva [illegible] Pre; et da q(ues)ta detratti [illegible] tutti; et legati così pure che condizionati nessuno eccettuato, il funerale, [illegible] et la dote della S.ra Susanna sua sorella; il resto tutto si divida in tre eguali parti; una delle quali [illegible] et s'intenda per legittima [illegible] commune [illegible] l'altra consegnata al [illegible]

[illegible] seguito di due giorni [illegible] alla [illegible] di quelli;

Al S.r Piero si assegnò [illegible] metà, consegnata al [illegible] oltre il [illegible] dei scudi 2000 lasciato dal Pre [illegible] [illegible] che [illegible] et godute [illegible] et doppo di lui ha dato alle medesime [illegible] suo Eredi respettivamente;

[illegible] l'altra metà ugualmente come robba [illegible] si divida fra il [illegible] Piero, et [illegible]

[left margin notes:] nei Beni stessi da pigliarsi in dote [illegible] si essendo [illegible] al [illegible] [illegible] a [illegible] Beni [illegible] avere [illegible] dovendo però [illegible] mostrare che [illegible] l'anno 400 [illegible] Susanna oltre il [illegible] se n'investirono [illegible] alle [illegible] del [illegible] commun Pre;

[illegible] nella [illegible] delle altre;

Et perche di detti [illegible] [illegible] separatamente hanno fatte molte alienationi, dechiaravamo che il detto Denaro imputi nella Portione di cadauno quello che cadauno separatamente ha fatte; et divida l'altre per giusta metà applicando a cadauno la sua contingente.

Alienationi particulari di ciascuno s'intendino quelle che ogn'uno [illegible] separatamente ha fatte; [illegible] [illegible] [illegible], et s'intendino [illegible] [illegible] [illegible] [illegible] di ogni [illegible] ~~[illegible]~~ parte o doppo ratificat, o [illegible]; [illegible] seguite;

[illegible] [illegible] formar [illegible] [illegible] dell'eredità [illegible], domanio esser compresi anco i mobili, Essendo però [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ intorno che doma il detto Denaro [illegible] sua Cognitione et stima:

Et se oltre li mobili che saranno in essere si trovasse che ne fussero stati venduti; si ponga nell'Atto il Titolo d'essi, et per i migliori nell'alienatione di ciascuno che gl'haverà detto medesimo fa... et i ...... detti delle Vesti, et ove essendo ... intenti che si veda, o scandagli il loro Valore, et chi gl'havrà havuti... siano ... à ciascuno

mobili di Ragusa et Porta come ... siano lasciati da una ... nel primo ... come mobili. et d'indi ...

d'essi il q[ua]le fra li quelli ... ogni ... havrà stabilito ... la Pace ...

... et farli ...

a tutta ... Schiavonesco, o Vissandone s'intenda una ... et ciò ... chiaro mostrandolo ... detti;

[Margin notes: ò dolosam[en]te confirmati — Et sese il Sol... esso ... vero valore ... a liquidare ogni ... Cantiamo il 1766 ... moltissimi ... come ... che intervennero ... altra alienazione ... havrà stabilito ... questi saranno ... et ... esistenti]

l'affitto di Vessola, che sia dato alla S.ra Ottavia come quello che è proprio di sua dote.

Il Livello Vannis si veda se è francato, et si ponga nell'alienationi di chi l'[illegible] fatto;

Il Credito di Gradizza si vedeano si ponga nell'Asse, et si divida; quando veramente ai frutti degli anni scorsi ne qui il S.r Piero [illegible] terminiamo che nelle spese reciproche che tengono il medesimo [illegible] S.r Panfilo fra loro, ~~[illegible]~~ dell'istesso, a chi s'appartano come fatti più importanti et ~~[illegible] ragione~~

Miglioramenti della casa che viene asserito di scudi 400 in circa si veda se erano in essere al tempo della morte del S.r [illegible] come [illegible], et si mettino nell'Asse e Peggioramenti veramente si ponghino a danno di chi gl'ha fatti; [illegible] Quanto donna il S.r Penelope procedere alla sua ordinat. [illegible] se li frutti nascessero [illegible] nessuna [illegible] di [illegible], et [illegible] il medesimo [illegible] a fare

Il Prezzo della casa che fu d'Ant. 2030. si vede che si sia dannificato in questo de quelli che ne cavasse in cambio più della metà in stato d'altro.

Il Conflitto de i Pri delle Diatrie di Particolare del ...

... molti capi dell'alienationi fatte così in solido, come separatamente à ciascun di loro, ...

che l'alienationi in solido si ...

Vn' affitto al Nob. S. Matteoli f. Du. 237

... Du. 160

A ... Du. 108

Al S. Venerio f. Du. 55

Al Ramolano f. Du. 234

Al ... f. Du. 80

Al Nob. S. Simeonio f. Du. 362

Al R.do ... à S. Maria f. Du. 330

Al ... f. Du. 95

Al Campanaro ... Du. 78

Al S. ... Du. 56

Summano tutti — Du. 1687

Alienationi particolari di v. Pietro Lippi

Al Nob. v. Nicolo Val. Un Rondo p. Du. 114.
Al Nob. v. Nicolo ... p. Du. 50.
Al v. Pietro Vannino p. Du. 1350 tanto meno q. appariva dall'Instrum.
Al v. Val. p. altri Du. 200
item al d. p. Du. 95
A ... Amadio ... p. Du. 129 .. 3
Al v. Val. p. Du. 344 ..
Al d. p. Du. 72.
Q. alli Du. 113 ... in ...
vendute al ... le Pione.
come pure ... d'oggi ...
Al ..., ... p. Du. 200
Al ... la casa ... p. Du. 43

Alienationi dell v. Pompilio
Alli ... d'... p. Du. 170
Al ... p. Du. 300.
Al ... p. Du. 298
A ... p. Du. 107
Al ... Vanno p. Du. 130
Al ... p. Du. 40
Al v. ... p. Du. 40
Al v. ... p. Du. 66
A ... Azzorti ... p. Du. 20.
Al v. Val. p. Du. 56
Al ... p. Du. 43

Q. ad altre alienationi ... le Pione
... dall'una ... Vincenzo ...

Spes
Surrogati

Pro Rev. D. [illegible] eius [illegible]

Cum

Rev. D. Augustino [illegible]

Adeo magna et considerabilis est laesio illa, Clar.me Proprasses,
quae intervenit in contractu concordij initi anno 1584. [illegible]
Decembris et controversi inter Nobb. DD. Augustinum et
Julium fratres Ludovicis ex una, et Nob. D. Augustinum
Partistaneum et litis consortes ex alia, quaeque vestri iudicio
subijcitur, ut [illegible] fateri licet, nullam unquam [illegible]
ponderis in quovis contractu affuisse aut viderim aut [illegible]
audiverim. Quo fit, ut mihi iam persuaserim, nulla opus
esse scriptione in hac causa cum [illegible] acumini
ex simplici lectione processus abunde pateant. Scribam
tamen nonnulla breviter ut soleo, potius ut petentibus mos
geram quam quia [illegible] ipsa ex se [illegible] ullum meum
[illegible] Nupserat alias Nob. Dna. [illegible]
[illegible] Nob. D. Augustini Partistanei q. Nob. Dno. Ludovico
Ludovicis de S.to Vito; inter quos iugales anno 1564. 3.
Martij initum ac celebratum fuit dotale instrumentum;
in quo Nob. D. [illegible] Partistaneus [illegible]
[illegible] interveniens nomine [illegible]
D. Augustini eius fratris [illegible]
[illegible] DD. [illegible] constituit [illegible] et in [illegible]
[illegible] coniugibus, duos redditus [illegible] in totum
[illegible] de 1564. [illegible] ducatos; quorum [illegible]
[illegible] solebant haeredibus dicti q. D. Augustini a [illegible]
et Consortibus de la [illegible] de [illegible] et erat [illegible]
[illegible] cum dimidio, milij [illegible],
Vini urnarum sex, librarum decem et solidorum quatuor,
[illegible] sex, [illegible] sex [illegible]
solvere tenebatur Vincentius Zanini et Cons. de S.to [illegible],
consistebatque in frumenti [illegible]. Vini [illegible] tribus, Milei [illegible]
duobus, gallinis duabus, armillo uno [illegible], et [illegible]. [illegible]

eodem instrumento fassus autem fuit idem D. Ludovicus antea recepisse ducatos trecentum pro parte dictae dotis. Residuum vero quod erat duc. 450. promisit D. Curtius aut suarum nomine eidem D. Lud. solvere hoc modo, ducatos scilicet 25. singulis annis circa festum resurrectionis usque ad integralem satisfactionem dictorum dotis duc. 1500. ut hic patent dicto instro 1564 3. Martij in processu fol. 5. ter. Prior affectus de Sestimo neque in totum neque in partem exactus unquam fuit a dictis Dnis iugalibus usque ad annum 1584 ex omni hora a colonis ipsius mariti in dicti sui possessionibus distracta fuerunt. Alius de Sto Vito evictus fuit anno 1576. ita ut ab eo tempore circa usque ad dictum annum 1584. nihil itidem ex eo acceptum fuerit prout nec etiam duc. 450. in terminis sive dilationibus ut supra dictis in aliqua vel minima parte servati fuerunt. Anno igitur visitato 1584 Rob. Dna [illegible] filij ac haeredes q. Rob. D. Ludovici eius mariti iam mortui sine ullo penitus dubio existiendo etiam ex Rob. [illegible] primo de omnibus affectibus Sestimi usque tunc decursis in quantitate praedicta, secundo de redditibus Sti Viti anni 1576. et demum de interusurijs debitis pro capitali duc. 450. a die morae circa, quae singulo quoque anno commissa fuit pro ea parte quae servatae fuerunt solutiones cum expirato iam hic interesse dotis non soluto deberi marito pro oneribus matrimonij, et pro [illegible]. De iure dotium quod procedit etiam de iure Canonico. c. salubriter. ubi Abb. late sane materiam tractat de Vsur. Bal. in cons. 94. per totum, vol. po Roman. cons. 517. no 7. et Alex. cons. 63. no 3. lib. 4. et quidem eiusmodi usurae dotales debentur a die morae, ut tradunt Doct. in l. si mora. ff. sol. matrim. et in l. de divisione. ff. eodem tit. hoc est quod

die lapsi temporis ad solutionem praefixi [nam, quando dos
est promissa ad diem certam, tunc eius lapsus inducit moram
irregularem: l. magnam. C. de contrah. et committ. stip.
nec est opus ulla admonitione sive interpellatione. cum [illegible]
inquit Bep. ibi] ea, quae quis promittit, ipse in sua memoria
servare, non ab alijs sibi manifestari poscere debeat. [illegible]
autem pensionis praedictae et interusuria sic usuraria de-
bita D. Marsiliae ac filijs, patris praedefuncti haeredibus
recte calculata ratione, [illegible] precijs ad metam quanti
[illegible] redactis, ascendunt ad Duc. 1925 Z - 94. ut
docet liquidatio [illegible] sola instructione [illegible] facta, [illegible]
cum sit [illegible] [illegible] in solutum [illegible] tam [illegible]
nec non totius sortis Duc. mille debitae ex residuo dotis
constitutae [illegible] in totum pro Duc. 2425 [illegible] - 94 [illegible]
DD. Horatius ac [illegible] Partitanei [illegible]
D. Augustini consignarunt anno 1584. 9. Decembris [illegible]
Marsiliae [illegible] unicum [illegible] de septimo [illegible]
[illegible] a nonnullis detentoribus vendicaverant
[illegible] 8. fr. [illegible] primo instrumento anni 1564. 3.
Martij [illegible] Duc. 550. solummodo [illegible]
nedum integri [illegible] dicti mansi de septimo [illegible]
[illegible] affectus [illegible], ut praedictum fuit [illegible]
cum ita sint, quis [illegible] tam ingentem laesionem [illegible]
subire [illegible] et [illegible] sine stomacho [illegible]
indignatione audire poterit. ¶ Nedum enormis sed enormissima
laesio [illegible] quaeritur cum [illegible] excedat non
solum dimidiam sed etiam longe tertiam et [illegible]
iusti precij qualitate [illegible] statim dicitur enormissima [illegible]
ad not. per Corn. cons. 133. n. 8. in fi. in cons. 161. n. 6.
et 7. et in cons. 258. n. 4. lib. 4. qui semper respondit

læsionem enormissimam considerari, quando tantum non datur, quantum valet quarta pars rei, quæ alteri remittitur. ita et Crot. in cons. 170. nº 26. et nº 35. lib. pº idem [illegible] Cerv. in cons. 50. nº pº in fi. et nº 18. lib. pº et in cons. 127. nº 15. lib. 3. Purpur. et idem voluit cons. 21. nº 3. dum respondit, enormissimam læsionem dici, quod est multum [illegible]. id quod tenuit Grau. cons. 221. nº 16. et Clmus Menoch. cons. 1. nº 494. lib. pº]] Sed [illegible] magis [illegible] animadvertemus, [illegible] de Septimo in demum [illegible] devenerit.] Et quidem ex instrumento anni 1540. [illegible] fol. 84. tº [illegible] constat Nob. olim D. Mattheum Cuccum pro duc. octingentis ex dote Nob. D. [illegible] eius filiæ [illegible] D. Augustino [illegible] quatuor mansos inclusos dicto manso de Septimo [illegible] quandocunque eidem D. Mattheo et hæredibus licere dicta bona etiam in [illegible] quibus priori loco permissa fuit redemptio, ut fol. 87. tº et seq.] Sic igitur Nobb. DD. Horatius et Livius [illegible] D. Matthiæ [illegible] pro eius credito duc. 2425 [illegible] 94. mansum illum de Septimo [illegible] in solutum [illegible] dotis maternæ assignatus [illegible] duc. 100. tantummodo; quem eodem [illegible] manibus [illegible] per hæredes dicti q. D. Mathei Cucci [illegible] Nobb. DD. Augustinus [illegible] frater [illegible] manus [illegible] contractus, qui nec dolo caret, si libere loquendum est: id [illegible]

Ali[illegible]

Ali[illegible]

[illegible]

dolo dicitur, quod fit contra bonam fidem; quia [illegible] con-
trarium bonæ fidei quam dolus. l. dolo. C. de [illegible]
quem sep. ad hoc citat Paul de Castro in cons. [illegible] de
facto et dubiis. n.º 2. lib. [illegible] ¶ Sed quæ bona fides [illegible]
in [illegible] [illegible] Castellanis qui tam [illegible]
[illegible] dicuntur. Dolus quidem [illegible]
qui contra eum [illegible]tur, qui cum alterius [illegible]
quæsiit. l. 1. §. an in pupillum. ff. depositi. ut [illegible] dicit
Dec. in l. cum fundus. §. servum tuum. n.º 6. ff. si cer. pet.
allegans [illegible] in l. si quis maxi[illegible]. §. fin. ff. de [illegible]
et præsertim hoc dici debet in casu nostro, cum [illegible]
induxerint ad hic contrahendum in propria eorum domo in S.
Vito posita, ut in primis verbis instrumenti 1584. 19 [illegible]
[illegible] ¶ Dolus [illegible] facilius præsumitur, quando quis
contraxit in domo alterius et cum [illegible] domestica.
Anchar. in cons. 385. n.º 6. et Crav. cons. 142. n.º 18.
et præsertim quando commissus est contra mulierem [illegible]
communiter accidit circumveniri à consanguineis in re-
nunciationibus quas eis faciunt ut [illegible] Feder. de
Sen. cons. 199. quæritur, an dña Margarita. in fi. et
Corn. cons. 161. n.º 8. vol. 3. et cons. 133. n.º 2. eodem
vol. ¶ [illegible] accedat, quod dolus [illegible]
præsumitur. l. si [illegible] cum ibi not. C. de dolo. [illegible]
de [illegible]. l. [illegible]. l. sed si [illegible]. l. si quis [illegible]
ff. de [illegible]. l. summa cum ratione. ff. de [illegible] in
cons. 213. [illegible] est. [illegible] quando
enormitas læsionis est in [illegible], i. in aperto [illegible]
præsumitur dolus. [illegible] cons. 53. n.º [illegible] vol. [illegible] imo,
quod magis est, ubi reperitur læsio tam effectiva, prout
hic, non solum arguitur dolus [illegible] ipsa, [illegible]

quia non est verisimile, quod quis patius [illegible], a [illegible] enormiter se lædi nisi dolose ad id et per insidias inductus sit. [illegible] in cons. 236. n.° 15. cons. 258. n.° 12. et cons. 283. n.° [illegible] lib. 4. Et si D. Marsilia a fratribus facta non fuerit metus [illegible] mortis, sive [illegible], tamen saltem erit metum tacitum, qui reverentialis dicitur, propter [illegible], quam [illegible] [illegible] [illegible]. De quo metu reverentiali loquitur [illegible] in l. penult. ff. de furt. ubi [illegible] patronus sciens [illegible] furtum fecit, licet is [illegible] [illegible] potuerit, tamen, quia pudor reverentialis eum resistere impediuit, non negatur ei actio furti: qui sane metus velatus et in corde retentus [illegible] [illegible] solet [illegible] [illegible] [illegible] personarum. Bal. in c. 1. §. item sacramenta puberum. de pace iuram. firm. n.° 7. et 8. ¶ Nec [illegible] [illegible] [illegible] ad donationem eorum [illegible] [illegible] factam per D. Marsiliam in dicto instrumento 1584. [illegible] [illegible] quatenus eius [illegible] [illegible] et [illegible] [illegible] [illegible] de [illegible] sic ut supra in [illegible] assignato, quam et [illegible] [illegible], ut [illegible] [illegible] maiori quam [illegible] [illegible] adiungens, [illegible] [illegible] donatis [illegible] [illegible] contractus nullitatem ac iniustitiam demonstrat; cum dici soleat, ubi plus cautelæ, ibi plus fraudis. ad [illegible] de retract. conuentio. in præfatione. [illegible] [illegible], quia clausula, et si plus valet, donat, apposita in contractu venditionis non tollit remedium l. 2. C. de rescind. vend. per [illegible] in l. hæc adiectio. ff. de v. s. significat. Hæc adiectio, inquit Vlpianus, pluris ue non infinitam pecuniam continet, sed modicam [illegible]. [illegible] et illa clausula, et, si quid pluris valet, donat, intelligi debet, ut locum habeat in modica quantitate, non autem in

magna

magna, ut voluit Jacobinus [illegible] in lib. 2. cap. 19. in fine. ubi alios refert. et Bart. quidem in l. si quis cum alter. n.º 7. ff. de verb. oblig. distinguit, quod aut venditor sciebat valorem rei, et tunc cessat remedium aut ignorabat, et tunc habet locum remedium istum quia videtur donasse nisi modicum l. si libertus § [illegible] oper. libert. ¶ An autem in dubio praesumatur quis scire valorem rei venditae dubitari potest: praesumptio est quod quis non sciat quantitatem sui patrimonij [illegible] in l. quaesitum per illum text. C. de rescind. vendit. Sed hoc dictum non obest, cum lex illa intelligatur in eo, qui est deceptus intra dimidiam iusti pretij. nam in eo, qui est laesus ultra dimidiam partem, immediate praesumitur error, nec est praesumptio quod scienter, ut [illegible] declarat [illegible] [illegible]. et [illegible] de arb. iud. lib. 2. cent. 2. casu 194. n.º 18. Ultra quod quamvis verum sit, quod alienans scienter rem suam et deceptus ultra dimidiam non habeat beneficium dictae l. [illegible] ut [illegible] [illegible] et [illegible] Doct. in [illegible] [illegible] certa tamen res est, id non procedere in minori mulieris et in rusticis scientibus valorem, quantitatem et qualitatem rerum venditarum, cum horum simplicitas habeat [illegible] nec [illegible] [illegible] facilitatis, quam [illegible] [illegible] [illegible] cum de [illegible] [illegible] ff. de [illegible] [illegible] [illegible] [illegible] de rusticis. ff. de excusat. tut. ita notabiliter dixit Bal. in d. l. 2. n.º 7. C. de rescind. vendit. et harum personarum imbecillitati adeo favent leges ut quamvis remedium d. l. 2. tollatur iuramento, ut volunt Doct. in d. l. 2. hac tamen conclusio in eis locum non habet, ut [illegible] multis authoritatibus firmat Cravett. d. cons. 192. n.º 28. Hic contractus anno 1594. [illegible] [illegible] [illegible] [illegible] [illegible]

latronis, nec mala fide nec dolo carentis, ut supra probavi, nullus creditur, vel saltem rescindi debet ; quod §. si quis. ff. de condictio. dol. l. 2. in princ. ff. de in. lit. et in specie Bald. dixit in cons. 3. ad 2.am quaestionem in fine quod contractus est nullus, in quo talis cum dolo intervenerit ; sed aliis insuper duobus principalibus ac solidissimis fundamentis nullus declarandus est dictus contractus. 1.o quidem, quia certum est, quod proventus ac introitus a d.na Martia sponsis in transactione considerata ad D. Ludovicum eius maritum spectabant, tanquam intervalle debitus pro oneribus matrimonii; ad l. pro oneribus. C. de iu. dotium. et consequenter eo defuncto, ad Dominos Augustinum et fratrem eius filios ac haeredes. l. haered. ff. de cts. in. et ob id indubitatum est, matrem non potuisse unquam transigere de eo filiorum in eorundem praeiudicium. tex. est apertus in l. de ac filiorum ff. de transactio. et Alciat. in l. nec praetexton spectaculum n.o 1. Cod. et multo minus cum ex pacto mulieris potuit quidem effici melior, sed non deterior ipsius dotis conditio. Anth. ... in fi. ff. de pactis dotal. et Ias. Decis. 230. per totam. Alterum desumitur fundamentum, ex eo quod in contractu non intervenerint necessaria requisita ex forma Const. Latinae Sab. seq. de forma in alie. iu. dotalium servanda, qualia sunt cognitio causae, interventus propinquorum mulieris, et Iudicis auctoritas seu decretum : quae sane deficientia omnibus actum ipso iure vitiat, iuxta receptam comunem Doctorum sententiam, ut per Bal. in l. i. ff. de lib. et posthum. et per Tiraq. de retract. lignag. §. i. glo. 12. n.o ii. et de retractu conventionali §. 4. glos. 6. n.o 31. cum seq. ubi multa in hoc proposito congerit.

Bin

[illegible] casus secundi [illegible] per DD. [illegible] e [illegible] fol. 56. cum nonnullis sequentibus [illegible] [illegible] de qua agitur et factum [illegible] [illegible], cum ibi propositae fuerint petitiones de [illegible] pro [illegible] contractus qui [illegible] ab [illegible] [illegible] non [illegible], et contra transactiones a quibus ex dubio litium eventu [illegible] [illegible]: quo casu nos non versamur, cum nulla [illegible] [illegible] concordium, et cum [illegible] [illegible] [illegible] indubitabile [illegible]. Et ideo mirum, si in iis casibus [illegible] licentiati fuerint [illegible]. [illegible] autem non bene infertur, et [illegible] [illegible] [illegible] [illegible] ratio. [illegible] ubi Bar. [illegible] ff. de minor. [illegible] ubi idem Bar. ff. de [illegible]. [illegible] [illegible] convenit non aliorum exemplis, sed legibus iudicare. L. nemo iudex. ubi Bar. C. de sent. et [illegible] [illegible] [illegible] [illegible] [illegible] fuerunt depositiones testium examinatorum [illegible] DD. [illegible] [illegible] capitulo [illegible] [illegible] [illegible] in processu fol. 96. t.o e. [illegible], quod [illegible] [illegible] in [illegible] domo [illegible] [illegible] fuerunt. [illegible] consanguinitatis [illegible] contigerunt et similia [illegible] fuerunt [illegible] [illegible] [illegible] [illegible] [illegible] et quoties occasio tulit, [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ita ut mirum sit qua nunc fronte iura [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] cum certa sit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] affectione [illegible] non [illegible] [illegible] [illegible] [illegible] facta non videntur, maxime inter nobiles. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

cons. iii. per totum. vol. [illegible] his igitur recte desumitur
petitionem dominorum de rubeis iniustam [illegible] conclusionem
[illegible] dicto concordii instrumento ibi continentur
de omnibus creditis eorum [illegible] consignatis anno 1504
et non aliis [illegible] cautis [illegible] et [illegible] in dicto
instrumento concordii 1584. cum [illegible] dominorum
Partitanorum ad ipsos creditis dicti de [illegible] manutenendos,
vel saltem ad sibi alia [illegible] loco eorum consignandos, tan-
tumdem [illegible], [illegible] non ad [illegible] solvendos duc. 450. pe-
tiderunt pro capitali dicte totius dotis duc. 1300. cum
debito interesse a die mortis citra, et prout in [illegible]
[illegible]. Quae sane petitio etiam fortius [illegible]
[illegible] et [illegible] oblationem per ipsos dominos [illegible]
[illegible] [illegible] contentarunt, quod domini
Partitani [illegible] eorum capitale duc. mille
[illegible] dotis vel in pecunia numerata, vel in [illegible]
[illegible] quibus loco [illegible] creditis [illegible]
instrumenti dotalis 1564. liquidetur et solvatur [illegible]
[illegible] dicta [illegible] duc. mille in [illegible] septem, [illegible]
[illegible] computum [illegible]
et [illegible] omnium affectuum et [illegible]
[illegible]. [illegible] itaque [illegible]
[illegible] cum [illegible]
oblatione [illegible].

Augustinus Diana [illegible]

C[illegible] metu[illegible] facta per [illegible]
Partium ad substinendam transactionem [illegible]
quod Mat[illegible] D. Marthia mater DD. [illegible]
et [illegible] in liquidatione [illegible]
fr. sumentes argumentum ex solutione [illegible]
facta per dictos DD. fratres in causa cum [illegible]
de qua fol. 32. t.° dum. n. ibi articulo [illegible]
Macca inerant debitores dictae Dnae. [illegible]
debitores non sunt; ergo iam facta est [illegible]
argumentum illud ubi eius summum esse [illegible]
ulla consequentia [illegible]. Talis in [illegible]
[illegible] summa, ergo amplius non est debitor [illegible]
patet ad sensum. Quam veritatem alias [illegible]
[illegible] apertius demonstrant. [illegible]
a Macca antiquitus tenebant ad affictum [illegible]
[illegible] unum manium, et in [illegible]
[illegible] debebant certas mensuras [illegible]
ubi sunt illa verba habentis imperfectum [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible] Hacca [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Hacca [illegible]
[illegible]
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[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
v [illegible]
vi [illegible]
[illegible]
[illegible]
inter [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] per interventionem [illegible]

Verum est autem, quod, cum sequestra fuerit [illegible] inter eorum [illegible] secundum morem totius regionis, fuerunt illi sequestro [illegible] affictus annorum 1585. et 1586. [illegible] [illegible] adiudicatio Dnis Ludovici cedere debuerunt in solutum tunc currentium affictuum, non autem contentorum in anteriori [illegible]. ¶ Depositum duc. 84. per eorum [illegible]

[illegible]

instrumento 1588. 17. Feb. uere cedit in solutum dictorum [illegible] illudque parati sunt in computis ineundis [illegible] Dnis Part[illegible]

[illegible]

pro affictibus, qui pro tempore decurrerunt, non tamen [illegible] [illegible] ut demonstrant [illegible] librorum suorum, quos tempore [illegible] [illegible] ¶ [illegible] quod, cum ex die [illegible] anni 1564 D. Ludovicus eorum [illegible] ex [illegible] usque ad annum 1584. ex quanto [illegible] euicti anno 1576. nil [illegible] ex die euictionis [illegible] minusque aliquam nec minimam summam [illegible] ex duc. 450. quos in [illegible] soluerunt [illegible] [illegible] ex septimo in solutis non solum duc. mille de capitali debito sed ex omnium affictuum decursorum inter [illegible] man- [illegible], et interusuriis decursis pro dote, dictorum duc. 450 [illegible] affictus et interusuria iuncta cum dote [illegible] mille

ascendebant ad due. [illegible] 94. ut [illegible] [illegible]
[illegible] nibus consideraui ; et tamen ab initio [illegible] [illegible]
una cum alio de S.to Vito assignatus fuisset [illegible] 510. tamen
ut contra[illegible] dotali [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Castitanus [illegible]
[illegible] [illegible] 23. [illegible] [illegible] transactione [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] per eandem [illegible] [illegible] ei mota lis
[illegible] 510 [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Advocatorum aduersae partis,
[illegible] transactioni, cum [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], imo totius [illegible] [illegible] ex nobilissima familia Castitanea, et [illegible] [illegible], nec sine consensu con[illegible] [illegible] [illegible] S.to Vito [illegible] [illegible]
a uero Domino [illegible] [illegible] [illegible]. Nob. Castitanei
[illegible] et auctoris [illegible] [illegible], qui de [illegible] nullam unquam
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] mihi [illegible] [illegible] Castitaneorum. Anno 1584. quid respondere poterat [illegible]
[illegible], in iudicio [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] de mentionis [illegible] assignatis anno 1584.
in instrumento dotali, et [illegible] [illegible] ex causa euictionis
secutae anno 1576. de [illegible] S.ti Viti, tum quia alius
[illegible] de Septimo, [illegible] [illegible], [illegible] pluribus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] censum
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] commissa mora [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] nisi [illegible] statim condemnando [illegible] Castita-
neos ad manutentionem contentorum in contractu dotali [illegible]

etiam [illegible]

[illegible] Nullus [illegible]

[illegible] manifesta [illegible]

[illegible] cedem [illegible]

[illegible] ratum [illegible]

[illegible] evidenti [illegible]

[illegible] manifestum [illegible]

[illegible]

[illegible] muniat [illegible]

[illegible]

[illegible] consimilis [illegible]

[illegible] a sublata [illegible]

[illegible] vel unum aliq [illegible]

Solutior [illegible]

[illegible]

De [illegible] centum [illegible] causas; [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
addita sunt, ut, si diutius iis immorer, abuti videar patientia Ill[ma] Dominationis Vestrae in legendo, sive mea imperitissima scientia, uti [illegible]. [illegible] tamen condemnamus [illegible] Nobb. Dnos [illegible] adscriptos per Nobb. DD. [illegible] obligationibus [illegible].

[illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
ex[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ad [illegible]
[illegible]

[illegible] 5 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

... non fuerat necessaria, quia ...
... centes, quia ...
... acta ...
... nec ...
... non fuerat ... de ...
... et ...
... in numerabilibus ... una serie con...
... 4. et 74 ... non
... et ... in C.
... ectionem de ...
... gratia ... esse D. Carolus
... non ...
... contra ..., ut ...
... Sancta ...
... Marian ...
... ad ... ad ...
... propria ...
... cum ..., et ...

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Scripsit et copiose, et erudite more suo cum [illegible]
[illegible] D. Augustinus Diana mihi [illegible] semper honorandus
et adeo diligens fuit tam in confirmandis argumentis per
ipsum in medium allatis, [illegible] pro secundis
contrarijs, ut mihi de subscriptione requisito [illegible]
minimum [illegible]. Ut tamen potenti potius quam causae, quae
nullo amplius indiget adminiculo, satisfaciam, aliquas [illegible]
quae commissiones per ipsum apprime fundatas magis magisque
in [illegible] corroborabunt.

Praemitto in primis, quod dos ducatorum trecentorum ultra mille [illegible]
fuit constituta et promissa q. Rob. D. Marsilia [illegible]
[illegible] et Horatij fratrum de Partitaccis [illegible]
particularem conventionem [illegible]
contra quam dotis constitutionem [illegible] fuit
vel indicatum, vel [illegible] reclamatum [illegible]
vel inofficiosa; et de hac quantitate dotis [illegible]
cum haberent [illegible]

immo tantum abest, ut isti dni fratres unquam reclamaverint contra istam dotis constitutionem, quod de anno 1584. conscii quod [illegible] consignata esse d. Massimi et mariti ad [illegible] pro satis dotis [illegible] [illegible] per ipsos, [illegible] [illegible] minora esse [illegible] [illegible] [illegible] [illegible] 4110. [illegible], [illegible] in [illegible] de cuius rescissione agitur [illegible] integralem dictam d. [illegible] tam de toto capitali quam de omnibus affectibus [illegible] [illegible] ab anno 1564. [illegible] [illegible]; ita cantat, ita sonat dictum [illegible] [illegible], [illegible] [illegible]. Hinc est quod [illegible] dni [illegible], et Horatius frater dicti dni Massimi cupientes satisfacere eidem [illegible] dotem [illegible] [illegible] [illegible] cere totam et integram dotem, ad quod [illegible] modo excessiva et inofficiosa sive [illegible] [illegible] fuerit [illegible] actionis, [illegible] praesumatur, sive de [illegible] in [illegible], prout re vera fuit [illegible] ex [illegible] quod utriusque partis intentio fuit satisfaciendi d. Massimo de tota et integra dote, et de omnibus affectibus ac interesse decursis et [illegible], [illegible] [illegible] [illegible] [illegible]. Et hoc [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dearit et capitali [illegible] [illegible], et affectibus ac interesse [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] Massimi et filios [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quia [illegible] [illegible] aestimatur [illegible] [illegible] [illegible] l. si quis C. de rei vendic. [illegible] [illegible] [illegible] addit Ant. Pinell. in l. 2. C. de rescind. vend. in 3. par. n. 18. et apertius [illegible] [illegible] [illegible] [illegible] bona [illegible] Massimi consignata, [illegible] [illegible] sive [illegible] [illegible] [illegible], sive habeatur ratio valoris [illegible] [illegible] [illegible] [illegible] [illegible] capitali [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] autem habito respectu ad fructus, et [illegible] decursos ab anno 1564. usque ad annum 1584. fructus [illegible] ac [illegible] [illegible] [illegible] quod debebantur marito [illegible]

eius hæredib. ratione oneris matrimonij l. in insulā §. licet
ubi Bart. ff. solu. matr. et debentur marito et de iure canonico
iuxta propria interesse & [illegible] ut de [illegible] not. ff. [illegible]
Doc. in c. conquestus, eod. tit. de usur. unde nō potuerunt renun
ciari D. Marsilia in præiud.^m [illegible] mariti
p ea, quæ superius scripsi, et [illegible] D. consulens quibus illud
addo, quod in instro 1584. D. Marsilia nō interuenit
tanquam curatrix filiorum suorum, et sufficit in hoc in specie
et [illegible] ~~eius~~ eiusdem instrumenti. Est et illud verissimum
quod nec in aliquo facere potuit D. Marsilia detrim.
conditione dotis suæ nec quo ad præiud.^m suum, nec quo
ad præiud.^m filiorum suorum; quo ad sui præiud.^m [illegible]
[illegible] in l. [illegible] et in l. [illegible] ff. de [illegible]
in l. ubi adhuc nu. 29. C. de iur. dot. Bal. in l. si constante
[illegible] ff. sol. matr. Quo vero ad præiud.^m filiorum est clar.
conclu.^o Pan. nostri [illegible] Rub. de Con. [illegible] ad dom. mas
quod mulier nullam omnino facere potest dispositionem
de dote sua in præiud.^m filiorum. Ad quid ergo subtilitas hæc
an instrumentum [illegible] vel [illegible]
utroque quidem casu succursu debet læsis, quia enormis læsio
a quacunque dispositione [illegible] excepta l. creditor
§. lucius ff. mand. cū aliis multis adductis p Hier. Gabriel
cons. [illegible] ubi apparet [illegible]
cadat præsumptio doli l. si superstitis C. de dol. cū aliis ad:
ductis p [illegible]
et nu. 22. Bol. 2.º [illegible] notabilis [illegible]
cons. [illegible] Bol. 4. quod est [illegible] læsio ultra dimidiam
[illegible]

an[illegible] que [illegible] possunt. Vetiam ne dicto pede [illegible] fundam.tis partis adversae, quod licet contractus impugnatur [illegible] transactionis, ut [illegible] dicto [illegible], dico [illegible] [illegible] [illegible], et hec est veritas quod iste contractus nullo modo dici potest transactionis, nam talis est semper censendus contractus qualem verba contrahentium exprimunt, l. qui [illegible] ff. de [illegible] [illegible] in l. eorum [illegible] ff. qui maximos [illegible] ff. de [illegible] [illegible] in l. Aristo ff. de donat. [illegible] est enim recedere a verbis contractus, ut [illegible] [illegible] cons. [illegible] quod [illegible] [illegible] in auth. de [illegible] C. de collation. at verba [illegible] instrumenti clare [illegible] sonant hoc modo [illegible] [illegible] Gaio et [illegible] ducatorum mille [illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dederunt [illegible] [illegible] tradiderunt [illegible] ergo ab illis non est recedendum l. non [illegible] ff de leg. [illegible] [illegible] [illegible] [illegible] idem [illegible] cons. [illegible] [illegible] vol. [illegible] quod ubi sunt verba clara ibi [illegible] [illegible] non habent locum; immo quando verba [illegible] dubia [illegible] [illegible] [illegible] contra partem adversam, que se fundat in [illegible] [illegible] [illegible] in l. veterib. ff de pact. [illegible] [illegible] [illegible] [illegible] ff. de verb. obl. [illegible] [illegible] cons. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et maxime [illegible] in causa dotis, pro qua semper in ambiguis est [illegible] l. in ambiguis [illegible] dotib. ff [illegible] [illegible] l. in ambiguis ff de [illegible] [illegible] unde [illegible] [illegible] [illegible] [illegible] ff [illegible] [illegible] quod [illegible] in materia dotis sunt opiniones contrarie ea tenenda est que favet doti. Nec refert quod [illegible] [illegible] [illegible] appellaverint

totius contractus istius transactionem quia ultra [illegible]
realiter dat [illegible] dicti [illegible] [illegible] minus:
tis ad protesti negare [illegible] ut in l. 2 forte ff. de contr
pact. et l. ad epistolis, et l. [illegible] C. de rescind. vend.
aliis multis [illegible] per eundem clariss. [illegible] cons:
[illegible] vol. 9. [illegible] addens ex mente Ioan. Andr. in addit.
ad spec. in tit. de [illegible] § [illegible] colum. ultima
quod veritatem [illegible] immutat etiam [illegible]
ratio ¶ quod et multo magis procedere debet in [illegible]
quia sive attendantur verba, sive sensum et effectum
contractus non est transactio, sed datio in solutum appel.
[illegible] et censeri debet [illegible] eius [illegible]
[illegible] ¶ Ab his nullo modo recedendo, sed immo
illis tenaciter inhaerendo ex abundanti addo, quod
dato etiam, quod contractus iste esset vera transac
tio, adhuc esset rescindendus [illegible]
laesionem, quia etiam in transactione habet locum remedium
l. 2. C. de rescind. vend. gl. in l. [illegible] ff. ad Trebell.
Bart. in d. l. 2. [illegible] et in l. si quis cum aliter ff. [illegible]
[illegible] Panormit. in c. cum causa de empt. et vend. et [illegible]
[illegible] in l. in summa, ibi si [illegible] evidens calumnia [illegible]
[illegible] ff. de cond. indeb. ubi rescinditur transactio [illegible]
evidenti calumnia, et licet aliqui ex [illegible] contrarium
teneant, tamen opinio gl. verior est [illegible] et
Bald. in l. [illegible] in fine ff. de [illegible] et [illegible] et [illegible] Bal.
cons. [illegible] vol. 4. opinio enim gl. ceteris antecellit

ut p Natt. cons. 16. c. 2 cu. uers. et p caphal cons. 532 n. 4 ... de uice ... hositate ... uidendus Rol. ubi ...

Remanet unicus obiectus ... quo uendi ... magnum pestum fecisse ... ex.mus R. Pianen. ... in eius allegationib. quando scilicet isti minimetores tanquam matris heredes non potuerint nec possint uenire contra eius factum p l. cum a matre C. de rei uen. quod tamen obicere facile ... quia illa lex non habet loci, quando heres uenit contra fa. ... quod tendit ad eius ... ad ... ibi ... lege uel ali. delata ... ubi ... et ... C. si ... pactio ... alijs adducti p ... dum ... C. ... et ... sic est quod ... debentur ... lege ... ut ... est probatum uenit ... matrimonij ... dos ueniebat ei ... p matrem ex dispositione ... patris ergo ... p matrem ... possunt eius factum impugnare ... maxime quia ut ... ... potuit ... ut ... allegati p ... cons. 42 n.o 29. Ex quib. concludo in omnibus ut ... et ex.mus ... petitum, et conclusum ...

Mutius fabricius ...

[illegible]

[illegible]

[illegible]

[illegible] sponsalium, et [illegible] [illegible]
[illegible] [illegible]
[illegible] Andream [illegible] ad Helenam Fal[illegible] [illegible]
[illegible]
[illegible] [illegible] Civitatis [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] in singulis.
[illegible] [illegible] [illegible]
requirunt. nullo [illegible] inter ipsos Andream [illegible]
[illegible] sponsalia [illegible] legitime contracta [illegible]
[illegible] [illegible] [illegible] [illegible] dissoluta
[illegible] [illegible] [illegible] [illegible] constat de
promissione Andreae [illegible] [illegible] [illegible] de
acceptatione [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
Omnia [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] Matrimonii Promissio [illegible] [illegible] quae [illegible]
[illegible] Promissionis [illegible] [illegible] nec
[illegible] promissio [illegible] ut [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] ac [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] quadrup. [illegible] [illegible]
dicat: [illegible] [illegible] asserenti [illegible] [illegible]

[illegible]

[illegible] ... et ad 2.m [illegible] [illegible]

[illegible] et ad 2.m [illegible] [illegible]

[illegible] et ratione consanguinitatis [illegible]

in 3.o et 4.o gradu, continet [illegible] de Matrim.

[illegible] [illegible] [illegible] de [illegible]

[illegible]

[illegible] [illegible], quapropter Prima [illegible]

[illegible] [illegible] [illegible]

[illegible] intellecti impedim. consanguinitatis [illegible]

negari illud usque ad 4.m gradum [illegible] [illegible] est

in cap. [illegible] debet [illegible] de consang. et affin.

[illegible] [illegible] [illegible] [illegible]

[illegible] doctor Bonac. de [illegible] quest. [illegible]

[illegible] 7.a n.o 4 [illegible] [illegible] quia [illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible], in cap. [illegible] [illegible]

[illegible]

[illegible]

[illegible] n.o 5.o, et [illegible] conclusionis assignat [illegible] questionis

[illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

Questionis [illegible] Matrim.

[illegible]

[illegible] Emore [illegible] me et [illegible]

[illegible] in [illegible] [illegible]

[illegible] Andreae et [illegible]

Sit aut[em] veritas [illegible] [illegible] curea[illegible], dno [illegible]

[illegible]

[illegible]

[illegible] clam [illegible] [illegible]

[illegible] de [illegible] [illegible]

[illegible] clam [illegible] relinquunt [illegible]

[illegible] [illegible] ex [illegible]

[illegible] [illegible] transeant in [illegible]

[illegible]

[illegible] Bonae: [illegible] [illegible] [illegible]

[illegible] Unde [illegible] [illegible] [illegible]

clandestinas Contractante [illegible]

[illegible]

[illegible] nequit [illegible]

[illegible]

[illegible]

[illegible] de [illegible]

[illegible]

[illegible] affuerunt [illegible]

devere [illegible]

[illegible]

[illegible] justitia, argumentis [illegible]

[illegible]

[illegible]

[illegible] et [illegible] Plurimi

[illegible] Arbitrio Iudicis, [illegible]

[illegible]

[illegible]

Menoch: Cons: [illegible] [illegible]
an factum sit, nel non sit, cum tota hec quaestio a
Probationibus pendeat, quae vane Probationes in hanc
[illegible] utique vim [illegible] ideo; et l. ob carmen
[illegible] [illegible] et mox ex variis circumstantiis
Credulitatis ac [illegible] [illegible] prout docent [illegible]
[illegible] Cod. de quaestio.

[illegible] [illegible] non agitur de sponsalibus
sponsalium cum pariter haberi [illegible] [illegible] non ex
[illegible] quando scilicet [illegible] cum Parochi
concurrunt, et aliae circumstantiae, ac [illegible] quis
[illegible] contrahentes [illegible] [illegible]
[illegible] sponsalium ad [illegible] [illegible]
[illegible] cum [illegible] sponsalium [illegible]
[illegible] tantum et inter [illegible] [illegible]
Item Roer: Cons. 90 n°. 18. 20 22. in 26 et [illegible]
de Sponsal. lib. p°. dissert: 5 n°. 5

[illegible] [illegible] in iure validissimi, ac [illegible]
In Facto ergo considero Attestationem [illegible]
[illegible] [illegible]
de anno 1622 in Area domus [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
Sono venuto per Farti disonore, [illegible] et
in honore, et [illegible] in [illegible]
[illegible] [illegible] [illegible]
Area dum inquit [illegible] la Porta [illegible]
[illegible] [illegible]
[illegible] [illegible]
per moglie in bene, et [illegible] honore [illegible]

lei volse, et Paulo [illegible] videlicet [illegible]
e vero che [illegible] che lo detto [illegible]
[illegible] dimandare [illegible] lei m'haveste promesso
et [illegible] fatte [illegible] parentado:

11 [illegible] [illegible] dissentire [illegible]
[illegible] d. Andrea in loco [illegible]
sequenti [illegible] dicta [illegible] contra [illegible]
eidem assentire nollet, [illegible]
[illegible] [illegible]
[illegible] mia mogli [illegible] Et [illegible] vero [illegible]
[illegible] [illegible] Andreas
[illegible] agnovisse, aut habuisse [illegible]
[illegible] convenerint [illegible]
[illegible] fateatur [illegible]
[illegible] contra [illegible]
[illegible] mogli, et idem [illegible]
[illegible] mogli [illegible]
[illegible]
[illegible] ut firmat Menoch. de Praesumpt.
Lib. 2°. Praesumpt. [illegible] n°. 94 [illegible]
[illegible] vero che [illegible] dimandava [illegible] mogli [illegible]
[illegible] mogli [illegible]
[illegible] mogli [illegible]
[illegible] intellectu [illegible]
[illegible]
[illegible] ma e ben vero [illegible] lo dimandai
che mi [illegible]
qui [illegible] minime [illegible]
[illegible]

[illegible] et viri [illegible] promissione [illegible]

[illegible] consiliis idem [illegible]

intervenit intercessione ex quo [illegible]

[illegible] madarinas ne [illegible]

[illegible] ideo probatur conceptus de [illegible]

[illegible] ante consummationem matrimonii [illegible]

in [illegible] quae facere [illegible]

[illegible] sed quid [illegible]

[illegible] fatetur [illegible] opinio

[illegible] [illegible] intelligitur

[illegible] [illegible]

19 [illegible] 120

[illegible]

[illegible] quae nullo maiori probatio [illegible] potest

[illegible] de [illegible]

promissione matrimonii [illegible]

concludentissime probari [illegible]

[illegible] requirit [illegible] eamque nullo tempore

[illegible]

[illegible] sed et

promissione contrahere [illegible]

[illegible] huiusmodi [illegible] ad eam in eodem [illegible]

[illegible] [illegible] concubitus [illegible]

[illegible]

[illegible]

[illegible] credendum [illegible]

[illegible] matrimonii [illegible] consenserunt

[illegible]

[illegible] Petri [illegible]

[illegible] eide [illegible]
[illegible] at [illegible]
de innovatione que [illegible]
vel ex traditione [illegible] rerum, ut in Casu [illegible]
fraudis intercessit, [illegible] Matrim[oni]
[illegible] contrahendi [illegible] ad Cap.
extra de [illegible] [illegible] in Cap. [illegible] et
in Cap. [illegible] 30 [illegible] in Cap. quod interrog. [illegible]
27 distinct., et in Cap. [illegible] qui de [illegible]
[illegible] quia ex transmissione munerum, et receptione
[illegible] in Cap. [illegible]
[illegible] in [illegible]
declarant omnes Doctores ibi, et Henr. Boich.
in Cap. de illis de Sponsal., et tandem [illegible] in [illegible]
2 n.° 27. vers. nec obstat; quod quidem [illegible]
[illegible] in Locis [illegible] adest de iure [illegible]
ea extare in [illegible] Patria [illegible]
[illegible] quia [illegible] Casu tale
innovationem sufficere ad manifestandum permissionem
et Consensum Matrimonij [illegible]
Boniae: [illegible] quaest. [illegible]
sufficit in [illegible] Consensus Et promissio [illegible]
[illegible]
[illegible] verba [illegible] facta, ut [illegible]
addit idem [illegible] n.° 12, [illegible] de Essentia
Sponsalium est, ut utroque [illegible] celebrentur, [illegible]
immo [illegible] [illegible] Privilegium [illegible]
[illegible] Stipulari
[illegible] Doctores omnes in Cap. [illegible]

de Sponsal: et notant: in Cap: [illegible] de elect:
quinimo adeo vera [illegible] est opinio ut ab omnibus
[illegible] [illegible] Sanch: [illegible]
in suo tract. de Sponsal. [illegible]
attendendum quia [illegible] [illegible] accedenti [illegible]
ac [illegible] eo [illegible]
[illegible] ut supra [illegible]
[illegible] Contracta [illegible]
corpus [illegible] carnali ac [illegible]
[illegible] aptissime et [illegible]
[illegible] Andreas [illegible]
an scilicet [illegible] ac [illegible]
[illegible] fidelis Matrimonij accepit quod [illegible]
ab inde citra retinuit, et servavit; [illegible]
necessaria est probatio [illegible], seu
quod repromissio fuerit verbis declarata, at
sufficit [illegible]
indicantia [illegible] prout tradit Vanc[illegible]
[illegible] [illegible]
fortioribus terminis videlicet disput: 22 n.º 6
[illegible] mat[illegible] in Matrim. ut [illegible]
in Cap. [illegible], quo Andreas fatetur ante [illegible]
[illegible]
intelle[illegible] ut [illegible] fuit. [illegible]
[illegible]
[illegible] ac [illegible]
[illegible], quinimo [illegible] sunt [illegible]
[illegible] ac dicta [illegible] voluntate [illegible]

[illegible] qua [illegible]

[illegible] rat. [illegible] tamen [illegible] de Edil.

[illegible] de [illegible] regni. 2 [illegible] 26

[illegible] regul. [illegible] fol. 20 [illegible]

[illegible] alterius [illegible] quod dicens [illegible] fide

Deduxit in eius [illegible], unicas [illegible]

[illegible], dum inquit [illegible]

in bene, et in [illegible], et [illegible]

[illegible] volunt [illegible], et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Probare [illegible]

[illegible] evenit quandoquidem [illegible] testibus [illegible]

2°. 4°. et 12°. [illegible] dicto Capite examinatis [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

in Cons [illegible] n°. 6, 7, 10 et 12 qui statim [illegible]

[illegible] testes omni exceptione maiores [illegible]

quibus nihil [illegible], et quod fides est

indubitata ut [illegible], et [illegible] in [illegible]

extra de Contang. et attini, et nisi ibi recedens
incit. de multis [illegible]:

Joannes Nicolo [illegible] 12 teste [illegible] Probat [illegible] de [illegible]
de Dominice, quod [illegible] ten [illegible] examinatus [illegible]
[illegible] minime vero quod ipsa venerit a [illegible]
huiusmodi requisitioni [illegible]
anno [illegible] Primitiuae [illegible] matrimonij [illegible]
[illegible] Pistatus [illegible] deposuit de [illegible]
eius Sabitis cum Marcello [illegible] quod habitet
[illegible] ipsius Marcello recipere [illegible]
[illegible] Dominica [illegible]
[illegible]
[illegible] Andrea [illegible]
fol. [illegible] ten [illegible]

Maria vero q. Joannis [illegible] probat [illegible]
deposuit se audisse a [illegible]
[illegible] Examinata
[illegible] Examinata [illegible] Cassio
et licet [illegible] testis [illegible] Dominicam
dixisse; Andrea mi ha [illegible] di mandata
moglie, [illegible]
[illegible] volevo [illegible] andar a dormir seco;
attamen non probat dicta contenta [illegible]
et ex qualitate sermonis [illegible] Maria
[illegible]
Primitiuae vera [illegible] cum [illegible], quia dixit
[illegible]
[illegible]
[illegible] Maria [illegible]

à Sibtu [illegible]

[illegible]

Minus dicat Andreas [illegible]

Viviet [illegible]

[illegible] aluata [illegible]

aelbiaton [illegible]

Senius [illegible] Crocorhee

cntea ditos [illegible]

quam sponte [illegible]

exhiberet; Quia [illegible]

Examinar [illegible]

[illegible] et inmat [illegible]

[illegible] distinguit qu [illegible]

ta depositasset [illegible]

[illegible]

[illegible] testes acconnunt [illegible]

ut in Cap.° ; [illegible]

[illegible]

[illegible] nec [illegible]

nor [illegible]

promissione matrimonii [illegible] oblatam, ac tunc ipsius
promissionis [illegible] causam Consanguinitatis [illegible]

[illegible] et amici [illegible], [illegible]
[illegible] [illegible] [illegible], [illegible]
[illegible] probatione [illegible] [illegible]
[illegible] [illegible] examinat[illegible]
Consanguinei a [illegible] [illegible]
testis; alter vero nempe Paulus [illegible]
[illegible]
[illegible] faciunt, [illegible] quod [illegible]
ad rem deponit, et [illegible] uno testes [illegible], [illegible]
fuerit Contestes Consanguinitatem [illegible]
[illegible] ante [illegible] accipere in [illegible]
[illegible] tantum aliter, quod in ceteris in Processu [illegible]
probatum, ut uno toto Contrarium [illegible]
et [illegible] Andreae [illegible], quae [illegible]
[illegible] Commune [illegible], inquit [illegible]
[illegible] in Processu [illegible] [illegible]
[illegible] domanda [illegible]
[illegible], ma lui diceva, che [illegible] volevo andar
[illegible] [illegible], [illegible]
[illegible] Consanguin[illegible]
[illegible] [illegible] [illegible]
[illegible] che [illegible]
[illegible] a [illegible], et [illegible]
[illegible] di [illegible]; [illegible] tempore [illegible]
[illegible] consanguin[illegible]
[illegible] Consanguinità [illegible]
[illegible] Mendicant, et [illegible]
[illegible] [illegible]

dixi affirmat, et allenit dictam de causa [illegible] remittere
remisse

[illegible] istis argumentis ita de medio sublatis asso
et insuperabilis remanet probatio Promissionis, atque
repromissionis Matrimonii subsequentis Professione, ut nihil
ultra desiderari possit [illegible]

[illegible] [illegible] inferius deducendis
Prima autem Conclusio ide [illegible] est, quod [illegible]
[illegible] Bart. in [illegible] pro [illegible] et
[illegible] nemine [illegible] dixit [illegible], quo [illegible]
[illegible] Menoch. de [illegible] lib. 6. n. [illegible], et
[illegible] seqq., et [illegible] Abb. in cap. [illegible]
de Cler. [illegible], quod [illegible]

[illegible] duo [illegible]

[illegible] medius, quod [illegible]
[illegible], quod [illegible], [illegible] Bald. in l.

ubi ex [illegible] duo Conclusiones
quando [illegible] sit [illegible] altera vero [illegible]
[illegible] ea [illegible] est eligenda, quae [illegible]
[illegible] Bart. in l. [illegible] ut [illegible]
de [illegible] ; [illegible]
[illegible] in [illegible] l. in fello [illegible]

[illegible] sunt
[illegible]
[illegible] Menoch. [illegible]

[illegible] dicat [illegible]

[illegible]
ellandos
ssertae
[illegible]
coney.
sine

[illegible] et [illegible]
[illegible] attenuata [illegible]
[illegible] inde [illegible]
[illegible]
[illegible] facile [illegible]
et [illegible] auros confirmes ibi [illegible]
Legib. Conubia L. 5. n.° 26 [illegible]
debent ex identitate [illegible]
[illegible] eadem [illegible] debeat [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
nec [illegible]
[illegible] unde [illegible]
[illegible] constitutis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] 7° Canto [illegible]

[illegible] 45, quae quod Probatur [illegible]

[illegible] in calumniam adversarii [illegible]

[illegible] alternam [illegible]

[illegible] Cantus § 6. et 7° [illegible]

[illegible]

[illegible] et ex [illegible]

[illegible] ac [illegible] ex [illegible]

[illegible] § 7 [illegible]

[illegible]

[illegible] aut [illegible] mandati

[illegible] accidentibus sed permissione [illegible] et [illegible]

sed et reprimitur ex eius Parte, ad qualita[illegible]

secundum qualitatem generis [illegible]

Quamq. cap. audit [illegible] quaest. 3. cap. [illegible]

[illegible] quaest. 4. et in cap. 1. quis Grammatica [illegible]

distinct. glossa inquit Bonum Genium, quod [illegible]

factum est, et quod a Malo [illegible]. Et

dicere volunt eum, qui Bonus antea fuerit

Bonum Genium, naturaeque antea [illegible]

ee ad [illegible] [illegible] factum, [illegible]

[illegible]

[illegible] 27 [illegible]

[illegible]

[illegible]

[illegible] consulentur [illegible]

[illegible]

habet [illegible] Maria [illegible]

[illegible]

[illegible] fol. 57 [illegible]

2do fol. 58 [illegible]

Menegan [illegible]

[illegible] 2do [illegible] examinata [illegible]

[illegible] fol. 88 [illegible]

Menegan per moglie se doveti andar in mal'hora

et [illegible] come hanno fatto il [illegible] [illegible]

[illegible] contractas sponsalia [illegible]

de [illegible] lib. [illegible] n.o 6 [illegible]

[illegible]

[illegible]; attamen in casu nostro [illegible]

[illegible] casu eundem [illegible]

[illegible] Inimicam, concurrentibus [illegible]

Probationibus id suadentibus, de quibus [illegible]

actum fuit:

Proinde [illegible], ut in facto [illegible]

[illegible]

Sponsalia, et Andream teneri stante Promissis, ipsaque

Sponsalia adimplere, [illegible] ex tali Promissione

oritur obligatio sub mortali [illegible] ratione [illegible]

quod Inimicam haberet [illegible]

[illegible] ea non adimpleret, et [illegible]

[illegible] aut

ac viduae omnes tamen, quae propterea matrimonium contra
coherent vel Iudicium, sibi in utrisque teneatur ex
iure, sicco et [illegible] Promissio [illegible]
avet. per Bonac: lit. Grat: de Sponsal. quaest.
met. 2°. n° 1; 2, et 19

Quod et P[illegible] Dominus Vic. [illegible] et [illegible]
Primarij Offitij in melius reformatum, invenit
Andream Sfatum teneri ad dictam Minicam in faciem
Ecclesiae desponsandam, rejecta Falisidina illegitima
eius Sponsa; in quello obstante Copula cum ea
secuta, quia stante mutua Priori Promissione
Matrimonij, ad Copulam secutam inter ipsum met
Andream, et Minicam Sfatam, ei non licuit [illegible]
notam transire, ut est tex. de hoc apertus
in cap. si inter Virum extra de Sponsal. quo
quidem nec fieri deberet et in Sponsalijs [illegible]
itinis Andreae, quae nullo Pacto fuit in discrimen
reduci, licet non constaret de illius acceptatione
d'Genique voluerit se obligare absolute eas [illegible]
requirendo in Vxorem, siquidem hoc casu is, qui fide
[illegible] obligat, [illegible] [illegible], alteram
[illegible] [illegible] valet attingi [illegible]
in eius promissionis ita Sanctus de Sponsal.
lib. disput. 5 n° 7. quod [illegible] secutus est
[illegible]

Quibus quidem prosterneretur ita se haventibus non obstantibus
modo in contrarium Vesperius adductum quominus
[illegible] [illegible] [illegible] nec pro [illegible]
[illegible]

Ad 1um non obstat, quod obiiciebatur de Promissione, ac
[illegible] matrimonii [illegible] negantes, quod
non fuerit [illegible] in [illegible] probata [illegible]
imo totum contrarium verius esse [illegible] adducta
fuit doctrina, cum imo fuerit in hac ostensum voluntatem
contrahendi esse [illegible] ~~[illegible]~~ [illegible]
[illegible], nec [illegible]
[illegible] praecedat Promissio, et Repromissio [illegible]
in Facto aut fuerit amplissime firmatum [illegible]
abesse intentionem Promittendi [illegible]
narium

Ad 2um vero obiectum impedimenti ut dicebat [illegible]
[illegible] quod [illegible]
[illegible] est [illegible]: Ad quod [illegible]
[illegible] in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
a Sede Apostolica matrimonium contrahentium, expiravit
[illegible] est ei non licere modo recedere, cum [illegible]
[illegible] clandestinum [illegible] eo affectu
et proposito contrahendi voluntatis, ut etsi
impedimentum [illegible] existeret, non tamen contrahere
desisteret, valeret cum dispensatione, ita [illegible]
[illegible] de Sponsal. lib. 1 disput. 65 n. 2
cum [illegible]

co [illegible]

[illegible] Curatus [illegible]

[illegible]

[illegible] Damnum ob deflorationem, et Partus

traditis p Bonae: dicta quaest: sub Punct [illegible] 8

Cum obstat id quod [illegible] traditis [illegible]

[illegible] traditis p Bonae: Quod [illegible]

[illegible] impedimentis dirimentis sponsalia [illegible]

[illegible] tenet ad eam [illegible]

[illegible]

minime [illegible]

[illegible]

[illegible] scandali et [illegible]

[illegible] scandali [illegible]

ne ex dolo [illegible] de eo; debet [illegible]

ad petendam [illegible] ex [illegible]

[illegible] Bonae: dicta quaest: n° 6, [illegible]

[illegible] Contrarias traditiones [illegible]

[illegible] Bonae.

Primo procedat, quando [illegible] de [illegible]

[illegible]

[illegible] de [illegible]

[illegible] scandali. Et [illegible]

[illegible]

[illegible]

[illegible]

[illegible] in contrarium [illegible]

[illegible] e [illegible]

[illegible] confirmata [illegible]

autem in casu [illegible] de tractantibus [illegible] et
copulam, quae quidem copulam multum obstat, et sic
in casu [illegible] [illegible]; [illegible] inter [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] nec dissolvi per aliam [illegible] et carnalem
copulam consummatam.

18 Denique obstant [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ratificare, et [illegible] [illegible], continuando
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] tacitus [illegible] continere [illegible] [illegible]
[illegible] partibus, [illegible] [illegible], et de [illegible] [illegible]
continuando [illegible] [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] casu 93, à n.° 19 [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
potest.

Nec tandem [illegible] obstat [illegible] [illegible] [illegible] ex [illegible]
ignorantia in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] una [illegible] [illegible] [illegible] [illegible] [illegible]
contradictorio admisit appellationem, et tamen
mandavit [illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], exercere
quatenus attendi deberet asserta [illegible] [illegible] [illegible]
quod ab ignorantia [illegible] [illegible] [illegible] [illegible] [illegible]
legis [illegible] [illegible] [illegible] ne [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in cap. [illegible]

[illegible] quo [illegible] [illegible]

[illegible]

Protestatur ex [illegible] [illegible] omni [illegible] [illegible]

annotari, declarandum fore ad [illegible] [illegible]

[illegible] contradictioni

condemnatis Andreæ, ad ea [illegible] [illegible]

[illegible] Apostolicas [illegible] obtinendum

Romani debere [illegible] [illegible]

[illegible]

[illegible]

[illegible] quod ita [illegible] [illegible]

[illegible] [illegible] liberam [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible]

[illegible]

[illegible] antecessores [illegible]

[illegible] ac [illegible]

[illegible] ad dictæ Andreæ [illegible], ut ne debuisset

[illegible] non est dubium, cum Pater ad [illegible]

[illegible] tempore longius distantium teneat [illegible] [illegible]

[illegible] 62 n°. 9 lib. 1° qui de [illegible] [illegible]

[illegible] annorum [illegible] a [illegible]

[illegible] ut ne debuissent [illegible]

[illegible] [illegible] ne [illegible] : [illegible]

legge deducere, et considerare [illegible] modum
[illegible]
[illegible]
[illegible], ut supra validitate [illegible]

[illegible]

His adiunctum esse [illegible] quod sententia [illegible]
modo in ea parte in qua condemnavit [illegible]
ac [illegible] est ipso iure nulla, e quia
ab [illegible] nec
ab eo [illegible] de [illegible] est [illegible]
comiss. [illegible], in cap. licet de [illegible]
[illegible]
nulla declaranda

Odorici a Porta

in causa finium inter Luceam et Diericum

in Carny

Olderico dalla Torre

per questione di confini tra le ville di Zierico e ... in Carnia

Allegatione

Comunitatis ...

...

1655 . 4 maij

... xi —

[illegible] et [illegible]

[illegible] cum [illegible]

[illegible] et [illegible]

[illegible] omnia [illegible]

[illegible]

inter [illegible] et [illegible]

dictum [illegible] in semitonio [illegible]

non [illegible]

[illegible] autem de [illegible] [illegible]

et [illegible]

[illegible] dicit [illegible]

nec idcirco fieri debere [illegible] a [illegible]

[illegible]

[illegible]

[illegible] induat [illegible]

[illegible] in

[illegible]

[illegible] in [illegible] pro [illegible]

[illegible] dicta [illegible]

et in hoc appellationis confirmari debet

quoniam in [illegible] summittere debent

[illegible] et iudicio [illegible]

[illegible] cum rex et Regina [illegible]

[illegible] pro quod [illegible]

nemo [illegible]

... loci a ... Lucen ... retaineit
et ad eisdem ... sententia ig.r sustinenda
cum se ...
quoniam locus ... iacet in ...
montis ... Lunea versus, et ex parte res
piciente Villam ... et in ea ...
modo in divisionibus territoriorum ut dixi
constituuntur Iuga montium pro confine
ig.r confirmanda videtur sententia ... prolata
quoniam inter loca ... a ... Generalis
est illis ... ut ex illorum ...
mentis retractum ...
Et custodia nemoris eiusdem ... spectat ad
... Lucee ... territorij ut ... in
... Capitanei Nemorum ...
ig.r sicut in hac parte ... est in ...
ita dici debet etiam quoad locum ...
... quoniam circa 30, vel 40 annorum ...
... et ...
... sententia 1418, ...
...

... seu certum ...

... et ... Unde certa ista ...

... ipsius ...

... tamen, et ... minime obstant.

... et in ...

... ex ...

... novam deponunt ...

... hoc idem ...

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] illorum [illegible]

et consequens, quod [illegible] conse[illegible]

[illegible] et sibi [illegible]

[illegible] huiusmodi [illegible]

[illegible]

[illegible] tollendum hoc [illegible] fundamentum, [illegible]

[illegible] observere, et demonstrare, [illegible]

[illegible] nomine [illegible]

[illegible] nobis [illegible], etiam [illegible]

[illegible]

[illegible]

[illegible], in examine [illegible] locutus [illegible]

[illegible]

numquid locus [illegible], et [illegible]

[illegible]

[illegible]

[illegible], de quo prius [illegible]

[illegible]

[illegible] sufficeret, [illegible]

[illegible] ad obtinendam venerationem [illegible]

[illegible] Communi [illegible] in loco Patris [illegible]

[illegible] et [illegible] [illegible]

[illegible]

[illegible] dégagement [illegible]

[illegible]

8

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

eo [illegible] revolutione [illegible] annus, [illegible]

non potuit, nec potest obponi eo, quia sit

seu ex diuturnitate temporis non [illegible]

[illegible]

2do autem non esse attendendam, quia [illegible] nullo mo

[illegible] non [illegible]; licet curren[illegible] [illegible], [illegible]

[illegible] anno 1602 a Consortibus Bereanis locati [illegible]

[illegible] [illegible] [illegible] aliis, et in locatione circum

[illegible] confinia, intra que ~~[illegible]~~ [illegible]

concessi, ut in Processu to 8 [illegible]

[illegible] facta [illegible] confinia locationis [illegible] in [illegible]

[illegible] [illegible], sunt eadem, ut apparet [illegible]

[illegible] [illegible] non habuit locum usque ad illud tempus;

sed fuisset interrupta, licet curren[illegible] [illegible]

cum sententia [illegible] effectu notita fuerit, ex

intra confinia [illegible] [illegible], exercuerint

Dominium, et Possess: Consortes Bereani, locando

et pensionem conventam exigendo, ut ibi [illegible]

Dixi in 2do loco, exceptionem [illegible] [illegible]

[illegible] curren[illegible] inter Personas contendentes, et [illegible]

materia, de qua agitur nullo modo potuit, licet causa temporis diuturnitate valata fuisset.

Item Universitates, quae a principio sunt in mala fide nunquam praescribent, quia cum [illegible] sit semper idem, [illegible], et censetur [illegible] et [illegible] continuari [illegible]

l. clam possidere in principio ff. de acquir. poss. et l. [illegible] ff. de iudiciis [illegible]

[illegible] in mala [illegible] [illegible]

laudata, et [illegible] [illegible] nullo modo [illegible]

tiones [illegible]

[illegible] propterea non [illegible] [illegible] imo [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Sententia 1598 laudat [illegible], et [illegible] circumscribunt [illegible]

[illegible]

[illegible] tales sunt [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

usq: ad Strata Collis Tavona [illegible]

procedat: ad cimam Strate [illegible]

[illegible]

[illegible], et ad aliam Parte [illegible].

et Pertinentias [illegible]

[illegible] autem [illegible]

[illegible] in Loretum fol. 85 [illegible]

[illegible], ut infra habent

[illegible] Incipiendo [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] certo [illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

et modo laudari, et in omnibus suis [illegible]
approbari debet, sicque fines securi [illegible]
[illegible] et attendi, quod [illegible]
sit eadem, quis hunc [illegible] rei [illegible]
cum in ea fuerit expedita, ubique [illegible]

Propterea cum Consortes [illegible] [illegible]
et Concessionem, et exhibuerint sententiam [illegible]
[illegible] [illegible] difficultates [illegible]
de qua agitur, ubique pro eis [illegible]
ut secuerint, et [illegible] in [illegible]
in [illegible] 1654 fol: 178 t.°, quibuscumque
in contrarium non obstantibus.

Licet [illegible] testes [illegible] [illegible]
[illegible] in [illegible]
[illegible] tamen non est concedendo [illegible]
[illegible] habuerint montem [illegible]
probatum fuit, dici potest, quod eadem [illegible]
et non ultra, attenta [illegible].

Quia Consortes [illegible] habent [illegible], ut [illegible]
Retractum, Locationem, et veram indicationem [illegible]

[illegible] iudic[illegible]

[illegible] habent Suarez

tantu[m] [illegible] de Iure: in L. [illegible] de

rei uindicat

[illegible] aliud in hoc iudicio relinqu[illegible], nis

[illegible] controuersi reguant: requirent:,

et [illegible] secundum sententiam in [illegible]

inter [illegible] causam, et exe

[illegible] intra eos [illegible]

[illegible] uero [illegible]

[illegible] Suarez dicere [illegible]

[illegible] cos. [illegible] 180

[illegible]

[illegible] non reperiantur quatenus [illegible]

[illegible] amplificarent: in [illegible] sententia, et

[illegible]

9

tantias in plures namque dunc [illegible] constit[illegible]

in ea fuit pro primo [illegible] in fine [illegible] et in code[illegible]

[illegible] uni tunc temporis [illegible] actu[illegible]

ubique in codem sibi regis [illegible] tunc [illegible]

et sic de aliis in ea nominatis [illegible]

[illegible] sententia [illegible] 8 attendenda et esse [illegible]

[illegible] huiusmodi sententiae annouis [illegible]

servari deberet [illegible] in consi[illegible] [illegible]

[illegible] 62 [illegible]

[illegible] primas [illegible]

[illegible] qui fuerunt [illegible]

[illegible] in extremo loco [illegible]

[illegible] particularis responsio [illegible]

[illegible] respondendo [illegible]

[illegible]

[illegible] quia iudices, qui ea [illegible]

indicaverunt itaque expedierunt [illegible]

vel ex sententia lata, et inter [illegible]

Venantus [illegible]

[illegible] iudices, ut ex actis in [illegible]

[illegible] 187

[illegible] ferm sententia [illegible]

est ~~invenienda~~ incidentia [illegible] et [illegible]

Non obstat [illegible] modo [illegible]ationis adducta, quod scilicet totus tractus [illegible] iaceat in [illegible] montis Flos Lineam versus, et ex parte respiciente villa ipsa, quoniam [illegible] respondetur, quod non tractatur de causa territoriali inter [illegible], adeo ut similia animadverti deberent, sed de bonis particularibus consortii [illegible]eanorum [illegible] [illegible], et habere [illegible] in [illegible] territorio [illegible]

Tum respondetur: etiam si [illegible] Mons de Flos [illegible] confessione ipsiusmet [illegible] Lineae est [illegible] [illegible]eanorum, tamen ~~est~~ Mons de Flos ex parte [illegible] versus [illegible] [illegible], quam Lineo [illegible] [illegible]

[illegible]

[illegible]

[illegible]

et [illegible]

Tanto la Parte verso Lucca, et quella verso Chiavari si chiamano [illegible]

[illegible] totus [illegible] d. Flor est Berceanor, ut [illegible] dixi et Pars fluens Luccam versus [illegible]

est [illegible]

[illegible] pariter [illegible] filio [illegible] obstat ex [illegible], cum agat de Territorio [illegible] honoratus, venditus, et redemptus a Consortio ipsis, ut demonstratum fuit; Quod certe non potuisset [illegible] fuisset [illegible]

[illegible] obiectum fuit [illegible] demonstratum fuit [illegible] modo vindicare [illegible] potuisse [illegible]

[illegible]

propterea cum instantia [illegible] in hoc [illegible] in dictas [illegible] nihil aliud contineat, nisi quod in ea [illegible] Localis controversiae, de qua agitur [illegible] exprimi formiter debeat, etiam [illegible]

[illegible]

et

et [illegible] secuta [illegible]

[illegible]

[illegible] et

[illegible]

[illegible]

[illegible]

[illegible] 200.

[illegible] non attenta [illegible]

[illegible]

non [illegible]

et [illegible]

[illegible]

[illegible]

[illegible] iudicatam [illegible]

[illegible] non sunt [illegible]

[illegible]

[illegible]

[illegible] et [illegible]

concluden[illegible]

[illegible]

Patronus et [illegible]

[illegible]

Post [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex[illegible]

[illegible] [illegible] causa, [illegible] [illegible] [illegible], [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]

[illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible], [illegible] exi[illegible] [illegible]

[illegible] 8' nou[illegible] [illegible], [illegible]

in hoc [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] a [illegible]

[illegible] [illegible] [illegible]

1755 Adì 7 Maggio
In San Daniele.

Attesto Io sottoscritto, come partii dalla Terra di Tolmezzo già 18 Anni, et venni ad habitare nella Terra di San Daniele, con havendo meco le scritture publiche delli miei antenati et in questo mentre sono stati di [illegible] [illegible] la carta di [illegible] [illegible] della [illegible] [illegible] il [illegible] di [illegible] unica, et detti Decani et prima del anno passato non mi è capitata alle mani del che ne feci coppia tanto alli Decani, quanto alli Commune di [illegible] unica, anziche presentai l'originale a quei di [illegible], in fede del che ho fatto la presente, etc.

Raffael [illegible] [illegible] di Tolmezzo hora habitante in San Daniele, [illegible] la presente [illegible]

Filgationes additionales [illegible]
Decamerond in [illegible]
[illegible]

([illegible])

([illegible]) [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] la
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible] a[illegible]
seu denominata ab [illegible] Pr[illegible]
pro Bonis [illegible] de anno 1610

ultimo quartenionem seu [illegible];
Tandem [illegible] [illegible] [illegible]
de [illegible] [illegible]

Dixit quidam [illegible], quod [illegible]
[illegible] [illegible] divisi-
[illegible], eo quo [illegible] [illegible] et
[illegible] acceptis, ut Bona, quæ sunt in
[illegible] ex Pendicio [illegible], [illegible]
[illegible] absque [illegible] [illegible] possunt
communicari cum aliis ex alia parte Bona
[illegible]

Verum [illegible] [illegible] observan-
et amplectenda sunt [illegible] [illegible]
et insignia, ut habent [illegible]
Addit [illegible] [illegible] [illegible] et [illegible]

in Proelsta fol. 28 . Ex uno ...
quos ...
Patriarchane altissima ad ex... ex Marcum
... Bona ... qui sunt
...
... circumscriptione ...
... ...
mani ... ex inter ...
Bona ... qui ...
... opinatione ... communicatione
... ...
nominatis, ex quibus ...
... designare incipiunt a ...
... Flumine ...
... Rubicone ...
ascendunt ad ... postmodum
Inde intenere ... de signo
... ... vel ...
... debeat ...

Pignoratis continuatio

[illegible] [illegible] in 2do loco dedixit inde [illegible] volens; quod ad Villa Chiena [illegible] [illegible] [illegible] Pala [illegible] [illegible] [illegible] altera vero contra [illegible] [illegible] in anno [illegible] S. Petri in quo [illegible] [illegible] [illegible] ei, et ad contortos [illegible] fere [illegible] [illegible] develans

[illegible] tandem pro firmanda pignorat[illegible] [illegible], quod Universitas [illegible] habet [illegible] [illegible] Bami in [illegible] Tommis; unde [illegible], quos [illegible] in illius Territorio, et ad Ville Chienci

Ad [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] et [illegible] [illegible] quod ad [illegible] [illegible] [illegible] [illegible] [illegible] Adversarij propalare, et [illegible] [illegible] pro restitutione [illegible], [illegible] [illegible] ultra ea quae tunc temporis [illegible]

[illegible] quod in obstans
[illegible] omnino qui nobis, divinae
requirendum consilium bonum [illegible]
[illegible]

[illegible]

Simile;

[illegible]

dictum fuit, quod sententia uniter, et

se habeat circa aliam Romae; unde

non deberet amplecti in praesenti iudicio

[illegible] respondetur quod contentio territorialis

non potest esse circa aliam Romae inter

dictas [illegible]

alias [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] fuit, et longe latius

probaretur, dum articuli [illegible] [illegible]

[illegible] admissus fuerit admitti

[illegible] debet [illegible]

[illegible]

[illegible]

Non est addendum quod sententia haec fuerit tunc

[illegible]

questio sit inter has utraque ex parte
deveniens usque singulos.

[illegible] quod hoc dicendi [illegible]
a Contractibus [illegible] ideo [illegible]
[illegible], quia bona fide in contractu
[illegible], et veniunt, et de eis in
libris disponit, ut [illegible] in processu:
[illegible] quod [illegible]
[illegible] ardere [illegible]
[illegible] diversa [illegible]
[illegible], ut ne [illegible];
sed quoniam principaliter de eorum
interesse, et Commodo agatur [illegible] et
in l. [illegible] debent [illegible] gloss.
[illegible] quod [illegible] Bart. in l.
[illegible] minoris [illegible]
[illegible] ind. [illegible] 2 [illegible] 106
n.° 12, [illegible] concordantibus [illegible]
[illegible] attendas
[illegible] et executioni demandes
quoniam rigore [illegible]
[illegible]

... ad ... Unde revocatione ignorantia ...
... contra aut ... hunc exigit ...
... minime debere ... nec esse posse, quia ...
et ... tales ... sunt posita in ...
Unde ad tollendas omnes difficultates ...
...
... aut ... posita in Territorio Orienti, aut in illo hunc; ... comprehendunt ...
... contortibus ... et ... Orienti ... aut ... erunt hunc, et in ...
[illegible]

Et in iudiciis veritas eadem [illegible]
inveniendae, illaque debeat [illegible]
Quaerere; Et in hoc [illegible]
[illegible] quae [illegible]
[illegible] in 2.da [illegible] in [illegible]
[illegible] 158 [illegible], quod [illegible] in [illegible]
[illegible] Conste[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible], ex [illegible]
[illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible] [illegible]
[illegible], ex [illegible] [illegible]
[illegible] inter [illegible]
[illegible], nulla [illegible] nullo modo [illegible]
Et ex ore [illegible]
quod [illegible] extant [illegible]
[illegible]liter, vel aliter [illegible]

Sed attento [illegible] minus [illegible]
Consiliis a natura constituti; Unde
[illegible] Laelius [illegible] ut
[illegible] notarii, qui illud [illegible]
[illegible] ex [illegible]
[illegible] fuerit, [illegible]
ex [illegible] et ex intervallo
[illegible] retentioni [illegible]
debet, et [illegible]
[illegible]
[illegible]
[illegible] appellat[illegible] candatus.
et [illegible] tanti temporis [illegible]
[illegible] lite, [illegible], et [illegible] maior
[illegible]
[illegible] de [illegible]
in cap. qui contra, et [illegible]
reliqui de probat: Alex. cons. 30 col. 2
ubi dicit hanc esse com̄em opinionem et
cons. 105 col. 5

[illegible] obiecta exceptio Scriptoris
quia ea quae obijciunt ad infirmandam
sententiam istam, intendunt [illegible] ad
illam magis magisque confirmandam,
cum ultra ea quae [illegible] considerans
ex additione suo ostendenda e contra
illam sententiam [illegible]
[illegible] temporis, ut [illegible]
Ancil. cons. 39. Vbi [illegible] sequitur
Dec. cons. 372 [illegible] cons. 50 in
pri. cons. 409 Vbi cons. [illegible]

Et tamen [illegible] in [illegible] iudicio
[illegible] ambitum [illegible]
[illegible] immunitate prolatam, tanta
temporis diuturnitate [illegible] tamen
[illegible] confirmatum
Quoniam ubi per eandem sententiam inter
huiusmodi [illegible]
[illegible]
[illegible]
consequens [illegible]
[illegible] innumerabiles, [illegible]

~~[illegible]~~ in [illegible] crimen; Cognovit se
hac [illegible] summa consideratione digna,
nec probatam satis excusatione [illegible]
sententiae in [illegible] multis [illegible]
et [illegible]; Unde ad [illegible]
[illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible] postmodum
[illegible]
quod in [illegible] multis [illegible] de
[illegible]
[illegible] obstant; quoniam quod attinet ad
[illegible] in [illegible]
[illegible] de [illegible] in [illegible]
[illegible] et in hac [illegible]
[illegible]
[illegible] dicunt [illegible]
[illegible] quod [illegible]
[illegible] contenta in [illegible] in sententia,
circumstantiis. Unde aut enim [illegible]

[illegible] [illegible] [illegible] [illegible] consideranda in
sententia [illegible] [illegible] [illegible] [illegible]
[illegible] vero [illegible] continuanda [illegible] [illegible]
[illegible] [illegible] [illegible] alias [illegible] quia
[illegible] [illegible] [illegible] ex [illegible] intendere
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quia
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
Procedens ex [illegible] quia ad
[illegible] [illegible] quibus [illegible] [illegible]
[illegible]

[illegible] vero ad contradictionem [illegible] [illegible]
[illegible] [illegible] [illegible] tum quia quia
[illegible] a [illegible] illegitima [illegible]
[illegible] [illegible] [illegible] seu
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] analis ex [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] dederunt, redierunt, fecerunt [illegible]
[illegible] huiusmodi vera [illegible] ex [illegible]
[illegible] recepit [illegible]
ponderare [illegible] summopere [illegible]
[illegible]
[illegible] demonstrent [illegible]
[illegible] se [illegible]
[illegible] unde ex modo [illegible]
illius [illegible] et nihil [illegible]
[illegible] quod [illegible]
[illegible] causa; [illegible]
[illegible] in [illegible] quod [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
continent [illegible]
[illegible] respondeo quod [illegible]
[illegible]
[illegible] 1290 huiusmodi [illegible]
et alia

quam continentur in territorio Ville
[illegible] ex premissis [illegible] [illegible] aut
[illegible] [illegible] in territorio [illegible]
[illegible] Unde nihil minus
[illegible] [illegible] illius Ville [illegible]
[illegible] et [illegible] Bona
[illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] Ville in eo est posita
et Bona contenta in illius Territorio
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] qualere
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] dixit, et [illegible]
Bona contenta [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] et [illegible]
[illegible] a [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible]

[illegible] dicitur [illegible]

Accedit [illegible] anno 1530 contendi [illegible]

[illegible] Samnacegni ocat. confinium montis

Flos [illegible] in eius latere [illegible]

[illegible] quia tamen [illegible] Arbitramenta

circumscriptus, et inter confinia in dicta

Arbitramenta firmata pro [illegible], et

2da [illegible] quae in [illegible]

[illegible] fuit demonstrata, [illegible]

[illegible]; et in dicta sententia dicitur quod [illegible]

confinus et terminus, et pro terminis

[illegible] inter [illegible], et hinc a

[illegible] dicti [illegible] oratione.

Dicti montis [illegible] de [illegible]

in [illegible] 1530

[illegible] dicta, et [illegible]

[illegible] fuit in

[illegible] constat

quod [illegible] monte Flos

De minoribus seu infra confines Tempestatis commi-
[illegible] Continentiis Aerearum [illegible]
[illegible]
[illegible] quam [illegible]
[illegible]
[illegible]
[illegible] in [illegible] ad [illegible]
[illegible]
[illegible] animadvertenda [illegible]
[illegible]
[illegible] proferunt [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Considero ulterius [illegible]
Venti [illegible] Fulminis de qua [illegible]
Indico appellat, comprehendis illius
Continentia [illegible] quae ad binas
[illegible]

[illegible] in [illegible] ex ordinatione
[illegible] renovatae [illegible]
[illegible] [illegible] narrarunt [illegible]
[illegible] [illegible] [illegible]
[illegible] in eadem [illegible]
[illegible] et alterius in eodem loco
[illegible] de [illegible]
alio [illegible], [illegible]
cognomento [illegible]
[illegible] renovationis [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible]
[illegible]

[illegible] [illegible]
[illegible] in [illegible]
[illegible] in monte [illegible] in quo erat
[illegible] et [illegible]
[illegible] ultimo [illegible]
Haeredes [illegible]

[illegible] ... maxime eiusdem [illegible]
[illegible]
ea que [illegible] in [illegible]
[illegible]
[illegible]
nunc [illegible] et
[illegible]
[illegible] meo [illegible]
et in [illegible]
et in [illegible]
[illegible]
[illegible]
[illegible] in monte [illegible], seu [illegible]
[illegible] continet, et [illegible]
et [illegible] dicenti [illegible]
[illegible]
erit [illegible]; [illegible] cognoscenda [illegible]
[illegible]
[illegible] venite; cum [illegible]
fuerint summa maturitate [illegible]
et a Patribus [illegible]
[illegible] indicatum [illegible] et [illegible]
tate temporis [illegible]

[illegible] in [illegible] [illegible]

[illegible] tacent a [illegible] [illegible] de regu.

[illegible] in [illegible] de erecti vas. in [illegible]

[illegible] debitrel in [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] esse auctoritatis et Potestate, ut Naturalis [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

Ttrus [illegible] [illegible] Consortes [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

iocirco [illegible] illius [illegible] ea potestas

et neglecta iudicaret qui confirmat [illegible]

[illegible] (quod pro sui Prudentia tamen

nullo modo faciet) [illegible] ne eius sentia

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] in [illegible] [illegible]

quia esset sentia contra [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] adiud caue [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] quoniam [illegible] [illegible]

[illegible] ex recognit. [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] debeat

pro norma Confirmationis, seu renova[illegible]

quæ ne [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] extincto [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
Quæ tandem [illegible] [illegible]
305 [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
natura [illegible] [illegible] [illegible] ~~[illegible]~~
[illegible] in [illegible] [illegible]?
[illegible] [illegible] aut [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible]
[illegible] aut [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] tandem [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

Iterum quod [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

8

Et quia [illegible] et [illegible] Romani

carnes fuerunt [illegible] venatu

ammulate, ut in Processu [illegible]

unde in eis [illegible] hunc [illegible]

[illegible] cum [illegible] multis [illegible]

custodia [illegible] Domini pariter [illegible]

[illegible], cum Princeps [illegible]

et custodia alium [illegible] committendo

nunquam tollat [illegible] Privatorum

[illegible] erant, et [illegible]

[illegible] Domini ut ex eorum [illegible]

[illegible] Principis [illegible]

Semitis eius [illegible] aliquando

[illegible] huiusmodi [illegible] quia

in eo erant ligna apta ad [illegible]

[illegible] dicendum est quod [illegible]

voluerit [illegible] secundum

veniret in nemore isto cum eorum [illegible]

[illegible] in [illegible]

[illegible] ut in Processu [illegible]

[illegible] tam [illegible]

[illegible] qui ab eis [illegible]

habuerunt possidendum, ut ex testibus in

8

Processum examinari

[illegible] [illegible] [illegible] [illegible]

ac nunc [illegible] [illegible] [illegible] quod

[illegible] [illegible] [illegible] in

quem [illegible] [illegible] [illegible] [illegible]

ex [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] in [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] extra [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] qui [illegible] [illegible] [illegible]

[illegible] [illegible] a [illegible] [illegible] [illegible].

Sit itaq [illegible] quod [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] 1728

in [illegible] [illegible] [illegible] [illegible]

Territoria dividunt, et utriusque quod
iuris est, retinent; et eo aut magis cum
coe nunc in toto fuerit huius causae, et
processus tituli nostri consentaneum magis
cuius intendant habere, et possidere
hactenus continuata

(Omnes fideliter à Porta [illegible]
salus)

[illegible] 1

[illegible]

[illegible] -mpetrata [illegible] . factus Vis-
atal sunt sentia ad Vocas
a ad [illegible]
[illegible]
[illegible] ipsa ; [illegible]

[illegible]

[illegible]
[illegible] ; Vide [illegible]
[illegible]

Appellamus
[illegible]

[illegible]
[illegible] quod in [illegible]
[illegible] , ex [illegible] deberent
[illegible] in [illegible]
[illegible] ; in [illegible]
[illegible] esset continentia
[illegible] ex Una [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] pour [illegible] [illegible] [illegible]

[illegible] Pol[illegible] [illegible]

[illegible] verres [illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] en [illegible] 10 [illegible]

[illegible]

[illegible] ~~[illegible]~~

[illegible]

[illegible]

[illegible]

[illegible] un es continuant [illegible]

et [illegible]

[illegible] et [illegible]

[illegible]

et [illegible] com[illegible] [illegible]
[illegible] [illegible] nominat[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quod vocantur [illegible]
decem [illegible] [illegible] ex quibus [illegible]
[illegible] [illegible] infra contin[illegible] definitio[illegible]
in [illegible] [illegible] [illegible]
[illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
Decimum infra contin[illegible] [illegible]
denominatos.

[illegible] [illegible] eandem [illegible]
[illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Et ipsi Contentes fuimus de anno 1644 illos vol[illegible]

[illegible] p[illegible] rationi [illegible] ~~[illegible]~~

[illegible] ex [illegible] 4 [illegible] idem [illegible] ex [illegible]

[illegible] ad [illegible] Card. Locat. quod [illegible] sequi [illegible]

[illegible] ponderandis [illegible] idem [illegible]

[illegible] ex [illegible] ex [illegible]

clare Constat

[illegible] dominii [illegible] in

[illegible] eam [illegible]

[illegible] ex [illegible]

[illegible] habet quod de anno 1620 [illegible]

figurat [illegible] de unica

[illegible] monte Flos et Colligiatas [illegible] continuit [illegible]

[illegible]

[illegible] fuit [illegible] in Processu fol. 96

[illegible]

[illegible]

[illegible] de [illegible]

[illegible] remissio [illegible]

[illegible] quod [illegible] infinit [illegible]

et in hoc [illegible]

et [illegible] declarationis

[illegible] dicti Contentes [illegible] omnem [illegible]

[illegible] inter [illegible]

[illegible]

ventia[illegible]

[illegible] tunc temporis [illegible]

[illegible]

a laudibus [illegible]

[illegible]

[illegible] de auctoritate [illegible]

in casu praesenti.

[illegible] ... modo [illegible]

[illegible] ... rex [illegible]

adhuc

... anno [illegible]02 [illegible]

[illegible] ... intra que [illegible]

[illegible]

vtrais illud tempus. [illegible]

[illegible] ... in [illegible]

[illegible]

[illegible]

materia [illegible]

[illegible]

Etenim [illegible] qui a Principio [illegible]
[illegible] possidebant [illegible] qui [illegible]
Populus [illegible] contra
malam fidem [illegible] ex [illegible]
[illegible]
[illegible] annis
[illegible]
[illegible] a Principio [illegible]
[illegible] in mala fide [illegible]
[illegible]
[illegible] laudata
et [illegible] malæ fidei [illegible]
[illegible]
[illegible] obtinent
[illegible]
[illegible] anno 1602 [illegible]
[illegible]
[illegible] N.° 9
[illegible] malæ fide [illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] animadvertendus [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

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[illegible]
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[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Clerici a Lorta

pro
Comunitate Erti
contra
Parrochum de Cimolais

[illegible] ca [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ Pleiane [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] animal [illegible]
[illegible] [illegible] [illegible], [illegible]
[illegible] ~~[illegible]~~
Reclame, [illegible] [illegible] [illegible]
~~[illegible]~~
[illegible] [illegible], [illegible] ~~[illegible]~~
~~[illegible]~~ [illegible], [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible]
[illegible] [illegible], [illegible], [illegible]
[illegible] de [illegible] Reclame [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible]
a matrice [illegible] separata) [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] Pleiane Poreclă

[illegible] ~~[illegible]~~ [illegible]

Quod [illegible] iacet in [illegible] [illegible]

[illegible]

Quod [illegible] [illegible] [illegible] [illegible] ... [illegible]

[illegible]

Quod distantia [illegible] est [illegible] et [illegible] [illegible]

[illegible]

Quod [illegible] [illegible]

Torrentes [illegible] [illegible], [illegible]

Quod [illegible] [illegible] [illegible] [illegible], et [illegible] est [illegible]

[illegible] [illegible] quod [illegible] ab [illegible] ad aliud [illegible] [illegible], [illegible] [illegible]; inde [illegible] est aquis repletum, [illegible] [illegible] [illegible]

Quod [illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible]

Quod [illegible] [illegible] [illegible] [illegible] ab [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible]

Quod [illegible] [illegible] [illegible] distantia [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Quod [illegible] [illegible] [illegible] [illegible] [illegible] in illis
[illegible]; unde [illegible] quando ~~[illegible]~~ [illegible] Parochus illius
loci sit mitten[illegible] [illegible]; unde esse [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] in illis [illegible] [illegible] extant Anime 490, ~~[illegible]~~
[illegible] ab annis 20 [illegible] [illegible] [illegible] [illegible] [illegible]

Quod ob [illegible] [illegible] [illegible] [illegible] [illegible]
Ville [illegible] obeunt [illegible] confesse, et [illegible] [illegible]
Quod in [illegible] [illegible] [illegible] Baptismatis ~~[illegible]~~ aliquando
[illegible] [illegible] [illegible] ac [illegible] [illegible]

Quod Parochi ob [illegible] [illegible] [illegible] [illegible] in [illegible] in Fide
~~[illegible]~~ [illegible] [illegible]

Quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ab [illegible] [illegible] [illegible] [illegible]
[illegible] tandem [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] ~~[illegible]~~ [illegible] [illegible]
[illegible] ad celebrandum [illegible] [illegible]
[illegible] [illegible] [illegible] examinare [illegible] [illegible]
Testes qui [illegible] [illegible] ore eos [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] separatione
animarum [illegible] [illegible] [illegible] [illegible] [illegible]

Quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] decidendi [illegible] [illegible] [illegible]

Unde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], in [illegible] [illegible] [illegible], et [illegible]

[illegible] [illegible] [illegible] [illegible] in quolibet anno fuit [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] pro [illegible] [illegible]
[illegible] Plebis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] dixerunt
[illegible] [illegible] [illegible]
[illegible] ex [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

Unde Separatio Plebis ~~[illegible]~~ [illegible] [illegible] ~~[illegible]~~
[illegible] [illegible] [illegible] ~~[illegible]~~
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] controversias [illegible]
[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~
[illegible] [illegible] Quaestio [illegible].

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] erant [illegible], inde [illegible]
[illegible] debebant; [illegible] [illegible] [illegible] [illegible]
[illegible] non debere [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] facium
[illegible] [illegible] [illegible] maturitate [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] autem S. Bartolomei [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible]
[illegible] vero [illegible] ex Rectori dictæ Parochiæ [illegible]
[illegible] eidem [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] attributæ a [illegible]
[illegible] [illegible] 21 [illegible] et [illegible]
[illegible] [illegible] in Procellæ decimati [illegible]
[illegible] eidem [illegible] annis [illegible] unc. 50;
[illegible] ex Parochi [illegible], [illegible] [illegible]
[illegible] unc. 20 ex [illegible] [illegible] in [illegible]
[illegible] continet
[illegible] [illegible] decem [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] [illegible]
[illegible] Plebani [illegible] a [illegible]
[illegible] [illegible] [illegible] Procuratores
[illegible] [illegible] [illegible] Pam [illegible]
[illegible] subrogabantur unc. 20. [illegible] [illegible]
[illegible] [illegible] habebat [illegible] [illegible]
[illegible] celebrare, [illegible]
[illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
Universitas [illegible] [illegible] [illegible] ~~[illegible]~~
[illegible] [illegible] [illegible] [illegible]
aliquod [illegible] [illegible]
[illegible] [illegible], [illegible], et [illegible] [illegible] unc. 20
[illegible]

Idoneeus in libello asperatrio dicit unus [illegible]
[illegible] in [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] e Pontifice [illegible]
[illegible] [illegible] [illegible] [illegible] Unde [illegible]
[illegible] [illegible] [illegible] [illegible] impotebe [illegible]
[illegible] [illegible] [illegible] quod [illegible]
[illegible] [illegible] maritis [illegible] [illegible] et
[illegible] [illegible] nullo modo [illegible] quia Pauperibus
[illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible]
intelligenda [illegible] [illegible] [illegible] ex antiqua
modo [illegible] [illegible] [illegible] [illegible] 33 —
[illegible] [illegible] [illegible] [illegible]
adiutorium eius [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 50, [illegible] [illegible]
[illegible] [illegible] ex [illegible] [illegible] [illegible]
ac [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in quibus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] universitas [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

mihi [illegible], et [illegible] [illegible] [illegible] [illegible]
animi [illegible] quod [illegible] [illegible]
[illegible] sed animo [illegible] in [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Post [illegible] [illegible] [illegible] [illegible]
et ex [illegible] [illegible] [illegible]
Talis est [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] quibus [illegible] [illegible] [illegible].
Quaestio [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Patribus [illegible]
Et [illegible] [illegible] [illegible], et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible]
et [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] de ~~[illegible]~~ [illegible] [illegible]
~~[illegible] [illegible] [illegible] [illegible] [illegible]~~
[illegible] [illegible] est [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible]

communie, et Homines [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
sub [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] Stebano [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible], ac [illegible] Ville [illegible];
Tractu temporis [illegible] [illegible] [illegible]
in [illegible] [illegible], ut [illegible] [illegible] [illegible]
[illegible] qui antea in ea [illegible] [illegible]
est ut [illegible] alio [illegible] [illegible]
[illegible] [illegible] animam [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible]
[illegible] [illegible]; [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]; Unde [illegible]
et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in Ville [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ea [illegible] [illegible]

Unde nihil [illegible] manet [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible]

Unde [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
absque [illegible] [illegible] [illegible]

Haec cognitio [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] ex quibus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] ea qua [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] quae [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible]

[illegible] [illegible] habeat [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
atque in [illegible] [illegible] Sanctae Sedis [illegible] [illegible]
[illegible] [illegible] [illegible] ex eodem [illegible] [illegible]
[illegible] [illegible] ex integro [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
amendarum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

amplius petatur [illegible] aliquam
[illegible]
[illegible]
Cartam [illegible] quantocius [illegible]
[illegible]
[illegible]

Prosapia

dei Mearogio, di Lesa

e Moggio.

ex Documenti dall'Anno 1382 in poi

1613. 30. Ap.le

Adì 30 [illegible] 1613

Fù il mag.co sig.r Gasparo [illegible] [illegible] [illegible] insieme [illegible]
et con Pietro Zork d'anni 80 in c.a, Domenego Clemente d'anni 70
Lunardo di Clemente d'anni 70. Bernardo Lundiero d'anni 60. et
Zuanne [illegible] Pistra d'anni 40. [illegible] del Commune d'[illegible]
il [illegible] dell'ill.mo sig.r [illegible] sopra la summità de' monti, che
sono in [illegible] [illegible] d'Oderzo, et [illegible] [illegible]
mente [illegible] se la [illegible] sij drento delli confini della
[illegible] [illegible] nell'[illegible] della descrittione [illegible]
confini Abbatiali, et giunti alla summità del monte, della quale
[illegible] detto di [illegible], dove [illegible] il [illegible] [illegible]
[illegible] [illegible], dalla qual summità [illegible] il monte
nella pendenda verso la Ucea è luogo [illegible] e [illegible]
all'aqua è boschivo; dimandati che summità sij quella, et come
sij chiamata [illegible] [illegible] [illegible] [illegible] [illegible],
dal qual loco caminando per summità del monte il confine
arriva qui, dove si trovamo, et dove [illegible] [illegible]
Caravagned, il qual monte Caravagned [illegible] [illegible] [illegible]
pendenda verso l'aqua della Ucea [illegible] Caravagned [illegible]
[illegible] all'aqua [illegible] Cal, qual monte habbiamo sempre
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
vero è che non sapendo [illegible] [illegible] [illegible] Cont.
[illegible] da uno [illegible] [illegible] [illegible] [illegible]
sotto di loro, che può esser uno et più secoli. Dimandati la
pendenda che nella parte dell'[illegible] dirimpetto a loro di [illegible]
[illegible] sij [illegible] questa pendenda, che è a loro dirimpetto [illegible]
li gentil di Borgogna Sudditi di S. Marco, [illegible] [illegible]

di [illegible] all [illegible] risponde [illegible] al uro
Confine [illegible] seguitando [illegible]
[illegible] del 12 [illegible] circa il mese di marzo. Dimandati
se di questa [illegible] sino all'acqua dell'[illegible] vi è qualche segno
[illegible] il [illegible]
[illegible] di questa
costa à dritta linea sino all'acqua della [illegible]
[illegible] et [illegible] dividono li Confini tra Noi et Pletrani.
Dimandati, [illegible] Pletrani [illegible] Con [illegible]
[illegible] con li alti d'Oteano, li [illegible]
[illegible] Bassa et [illegible]
[illegible] da questo loco più che otto megliara. Dimandati [illegible]
[illegible] à pendente di monte qui [illegible] Cagrangnico
verso Pletrani. [illegible] Elabocca, ove è lo [illegible] delli Plet
rani, [illegible] habbiamo [illegible] quelli [illegible]
che il loro Confine con Pletrani camina à dritta linea [illegible]
[illegible] del [illegible] Cagran-
gnico et Elabocca [illegible] nostro, [illegible]
come habbiamo detto [illegible] se estendessero [illegible] con-
fini habbiamo [illegible] questa valle qui [illegible] del [illegible]
[illegible]
[illegible] habbiamo [illegible] con [illegible] et [illegible]
di [illegible] più [illegible]
[illegible] da Agostino [illegible]
[illegible]
Il che [illegible]
[illegible]

ci fu messo sopra tavola, et per causa del mal tempo, che [illegible]
ad [illegible], il mag.co Cav.r Pro.r [illegible] restar a' [illegible]
del mal tempo et delle nave, nel luogo di Corito.

Che unanimiter [illegible] in [illegible] Cap.ni
[illegible] dic. [illegible] [illegible] [illegible] Cap.ni et [illegible]
[illegible]

No. 10

30.

1613. 16. Aug.

1613. 26 Lug.)

N.o 9.

1613 16. Giug.o

Lettera scritta dal S. Cap.o

di Pl.ello al S.r G. di Maggio

con la risposta di 26.

[illegible] [illegible] a [illegible]

[illegible] nei [illegible]

della [illegible] [illegible] da [illegible]

[illegible]

[illegible]

[illegible] [illegible]

in [illegible] cognitione [illegible] Pegura [illegible]

[illegible] particolari di stabilire [illegible]

[illegible], o se debba esser [illegible]

[illegible].

[illegible]

[illegible] di stabilire [illegible]

[illegible] nel [illegible]

[illegible]

[illegible] di maggio. ma [illegible]

[illegible] tutti [illegible]

quale [illegible] tema [illegible]

credere [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ragioni

[illegible] il [illegible]

[illegible] parte [illegible]

nelle unità del medesimo, et si vede la sotto
una Parte dell' ombra [illegible]
[illegible] et in quale si [illegible]
anima [illegible]

[illegible] dispositione [illegible]
[illegible] gli argomenti [illegible] dal Procello
et [illegible]
di Raziocinio et [illegible]

[illegible] di distintione di ragione [illegible]
[illegible] allegare [illegible]
[illegible] Paul. de Castro [illegible]
n.° 24 [illegible]

Non [illegible] a trattare [illegible] et [illegible]
[illegible] quelli [illegible]
[illegible] intendersi [illegible]
[illegible] allegare [illegible]
[illegible] come [illegible]
[illegible]

Se qui [illegible] quelli [illegible] dire [illegible]
[illegible] distintione di ragione [illegible]
[illegible]
[illegible] già [illegible]
[illegible] nel quale [illegible]
[illegible]

[illegible]
[illegible]
[illegible] fare

[illegible] ma [illegible] al [illegible]
[illegible] e così [illegible] da [illegible]
[illegible] quali [illegible] di [illegible]
di [illegible] che in quel [illegible]
da [illegible] [illegible] già 30 anni [illegible]
onde tanto è [illegible] che [illegible] d'esser [illegible]
[illegible] [illegible], che anch'[illegible]
me [illegible] dunque; et [illegible] che [illegible]
[illegible] avvisa, et cancellarai come [illegible]
Ne debbo omettere [illegible] l'anno 1607 [illegible]
[illegible] che [illegible] dal [illegible]
nella [illegible] delle [illegible] [illegible]
attendere et [illegible] et [illegible] quelli [illegible]
[illegible] il [illegible]
[illegible]

[illegible] se nel [illegible]
[illegible] di monte [illegible]
[illegible]
[illegible]
[illegible] il [illegible]
[illegible] il [illegible] d'esso [illegible]
[illegible], et [illegible] nella Parte dell'ambra [illegible]
[illegible]

Aggiungi

[illegible] che [illegible] et [illegible]
dal [illegible], [illegible] stabiliti, et [illegible]
[illegible] nella [illegible]; [illegible]
[illegible]
[illegible] dalla Parte dell'ambra; [illegible]
[illegible]
[illegible] nella [illegible]

[illegible] non anco nella pendenza del [illegible]
[illegible] [illegible] che [illegible] [illegible] necessarij [illegible]
godim.ᵗᵒ de Patroti quando a lui s'aspettano [illegible]
[illegible] [illegible] ritornar il [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ugualm.ᵗᵉ mancarono nel
[illegible] che il suo Patroti, [illegible] [illegible] [illegible]
[illegible] [illegible] d'ello, che [illegible] altro mente [illegible] [illegible]
[illegible] anco nell' aprendice dell' [illegible] [illegible]
[illegible] de Patroti di [illegible] [illegible] [illegible] [illegible]
d'ello, o' in tutti inferiore le [illegible] [illegible] [illegible] e
mai [illegible] [illegible] [illegible] [illegible] anco dire di [illegible] altro
[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] affermano
[illegible] della [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] nella [illegible] [illegible] [illegible] [illegible]
[illegible] Romani non [illegible] [illegible] immediatamente [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] al godim.ᵗᵒ
[illegible] de [illegible] dalla radice [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ancora [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
a' [illegible] d[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

Et ueramente [illegible] [illegible] [illegible] il [illegible], che
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
a' Car. [illegible] uengono dati [illegible] [illegible] di [illegible] e
[illegible] [illegible] [illegible] [illegible] [illegible]

ad Vna [illegible] di [illegible] di mondo.

è [illegible] [illegible] [illegible] [illegible]
[illegible] di [illegible] [illegible], ma [illegible] minimo [illegible]
[illegible] [illegible] [illegible] questa [illegible] [illegible]
[illegible] a quella [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] undere
che il [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

[illegible] che de Terre [illegible] deve [illegible] [illegible]
[illegible] [illegible] dei [illegible] [illegible]
[illegible] [illegible] [illegible] il [illegible] [illegible] [illegible]
[illegible] [illegible] il [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] nel [illegible] et degl'altri Pianeti [illegible]
[illegible] [illegible] che [illegible] il mondo
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] dell[illegible] onde [illegible]
si deve [illegible] [illegible] [illegible] delli [illegible]
[illegible] [illegible] ma [illegible] il [illegible]
[illegible] certe [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] tanto [illegible]
in numero di [illegible] [illegible] Maggiore [illegible] [illegible]
[illegible] onde anche [illegible] [illegible] nel
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] minima [illegible] [illegible]
[illegible] [illegible] et all [illegible], et di Pianete
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] di numero [illegible] maggiore
[illegible] [illegible] [illegible] [illegible] nel [illegible]

[illegible] ad [illegible] in [illegible]
[illegible] quel conclude che anco [illegible] di numero
[illegible] modo [illegible] che [illegible]
[illegible] il [illegible]
[illegible] [illegible] nelle [illegible] memoria
di [illegible] Licet [illegible]
[illegible] introd[illegible] delle [illegible]
[illegible] de[illegible] il [illegible]
[illegible] da questo [illegible] si comprende, [illegible] dico [illegible], che
la [illegible] del Monte [illegible] alle [illegible] si chiama
[illegible]
[illegible] altri vogliono [illegible]
[illegible] di masse di sassi [illegible], et [illegible]
Quanto di d.° Montagne alli [illegible] et [illegible]
[illegible] di [illegible], et [illegible]
[illegible]
[illegible] che [illegible] altra [illegible]
[illegible] potrebbero [illegible] monti [illegible]
minima parte [illegible] intesa [illegible]
[illegible] più [illegible]
mentre dicono che [illegible] ~~[illegible]~~ ~~[illegible]~~ Pendenze del
[illegible] al Canale [illegible]
[illegible] [illegible], et [illegible] che pende
[illegible] il Canale [illegible] dell' [illegible]
del medesimo, [illegible] alli Canale. et [illegible]

[illegible] Sig.ri [illegible] una catena inviolabile, [illegible] e fra

Io qui mi pare di sentir [illegible] di ricordare
ad' [illegible] la gitto[illegible] di q.to è stato sempre contrapesare
[illegible] altre volte frà queste Università, e dire, che
quella [illegible] solo [illegible] alli signore [illegible]
mà che [illegible] vi siano [illegible] differenti Sentenze; mentre
si vede [illegible], che altre volte frà contesto
frà queste Parti, [illegible] seguì in questo medesimo
individuo [illegible] a favore del [illegible]

[illegible] è dubio, che a' [illegible] pare che [illegible]
quell' electione [illegible], et [illegible]
[illegible]; Tuttavolta [illegible]
mentre si considera a [illegible], che la sentenza
[illegible] dalle Università [illegible] appellate.
[illegible] sigillo, [illegible]
[illegible] pendendo tuttavia in [illegible]
essendo [illegible] de, [illegible]
ogni suo effetto [illegible] puono appoggiare
la loro elettione à d.a sentenza appellata [illegible]
et [illegible]; mà [illegible] à giudicare [illegible]
della [illegible] à quella [illegible]
[illegible] nella loro distributione [illegible] mentre
negano [illegible] di quello di cui [illegible]
[illegible] alle [illegible], che [illegible] anche che quel
[illegible] appellato [illegible] rispetto [illegible] si potrebbe

[illegible] di far illatione alcuna. T.o il test. nella L. Papinianus ff. de minor.

[illegible] Attento d.o Guido et [illegible] delle [illegible] [illegible] la causa della [illegible] devono [illegible] estendersi a [illegible] della [illegible], et dichiarate che [illegible] il [illegible] [illegible] [illegible] [illegible] [illegible] di [illegible] [illegible] tanto [illegible] a [illegible] [illegible] 100 [illegible] devono giudicare et [illegible] t.o il test. [illegible] [illegible] [illegible] et nella [illegible] de [illegible] [illegible] in questa materia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] le medesime, et la [illegible] [illegible] [illegible] di [illegible] [illegible] [illegible] del d.o [illegible] [illegible] [illegible] [illegible] di particolari [illegible].

Pro [illegible]

In [illegible] quo [illegible] in [illegible] fundas ~~[illegible]~~
et videndum numquid [illegible] legitimum [illegible]
[illegible] illam incapacitate [illegible] nihil [illegible]
directus et [illegible] et inhabilitate agentis [illegible]

[illegible] potest esse et maior repertus quam [illegible] in agendo
ut sentit [illegible] [illegible]
[illegible] cogant. unde [illegible] agens [illegible]
ad alterum [illegible] de quo [illegible] ignorat Cod. qui
alius [illegible] quaerimus ff de testam. [illegible] ante [illegible]
[illegible] ~~[illegible]~~ [illegible] in [illegible]
[illegible] esse [illegible] debet de [illegible]
[illegible] summarie [illegible] plene de [illegible]
~~[illegible]~~ [illegible] debet [illegible] ea quae [illegible]
sequuntur [illegible] edict. [illegible] ad [illegible]

[illegible] requiritur tantum [illegible] sufficiat quod [illegible]
exhibeat vel postea [illegible]
in [illegible] ff de testam. ~~[illegible]~~
~~ergo in [illegible] de [illegible]~~ Et in [illegible]
[illegible] in [illegible]
[illegible] medium [illegible]

[illegible] ubi tractat de intellectu [illegible]
[illegible] requiritur ad legitimandum [illegible]
[illegible] tex. ad literam in L. nulli [illegible] ff quod cuiusque [illegible]
[illegible] nullus [illegible]
[illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] congregat [illegible]

6

[illegible] actuum [illegible] et [illegible] ad [illegible]

[illegible]

Et debent [illegible] partes ex [illegible] [illegible] universitatis [illegible]

[illegible] nihil [illegible] et quod [illegible]

[illegible] de [illegible]

debet exprimi in [illegible] constitutionis formatione, quod ad [illegible] decernendas, et agendas [illegible] Universitatis [illegible] nominationes [illegible] de [illegible]. Et [illegible] [illegible] opus; [illegible] et debent [illegible] exprimi nomina constituentium qui [illegible] sunt [illegible] universitatis [illegible] aliud [illegible] valeret ad [illegible]

[illegible]

[illegible] de [illegible] ff de [illegible]

de [illegible] [illegible] 12 et [illegible]

[illegible]

[illegible] actus [illegible] [illegible]

[illegible] universitate [illegible] communiter [illegible]

et [illegible] religiosi [illegible]

[illegible] causis [illegible]

[illegible] sufficit necesse [illegible]

[illegible]

[illegible] et [illegible]

[illegible] quo [illegible] administratio [illegible]

[illegible] et [illegible] nihil [illegible]

[illegible] [illegible] damnas [illegible]

sed [illegible] et valde [illegible]

Et obtinere quidem [illegible] Mutuelam [illegible] [illegible] animi
Bonum in hoc mundo [illegible] [illegible] continuat [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] destinent [illegible]
~~[illegible]~~ quaerunt [illegible]
~~[illegible]~~ illae voluntates ~~[illegible]~~ mutuae [illegible] [illegible]

[illegible] Conveniunt [illegible] [illegible] Bonis Communi[illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] in Bonis [illegible]
~~[illegible]~~ et [illegible] [illegible] ~~[illegible]~~ [illegible] ad nihil [illegible] quod
[illegible] [illegible] [illegible] [illegible] [illegible]
Bona aliqua [illegible] intra [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

~~nec [illegible] [illegible]~~ [illegible] et [illegible] [illegible]
~~[illegible]~~ [illegible] ~~modo~~ audire ~~quod~~ ~~[illegible]~~ falso Bona [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] determinent in dici;
[illegible] ~~[illegible]~~ [illegible] [illegible] animi [illegible] [illegible] ~~[illegible]~~
~~[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]~~
~~[illegible] [illegible]~~ [illegible] modo [illegible] [illegible]
~~[illegible]~~ [illegible] ~~[illegible]~~ admittit [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Habitate, et in [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] contentam [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] venire [illegible]
[illegible] ~~[illegible]~~ ~~[illegible]~~ [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~

~~[illegible]~~ addat quod [illegible] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ in [illegible] [illegible] [illegible] [illegible]
[illegible] debent [illegible] [illegible] [illegible] [illegible] 370 [illegible] [illegible]
et in [illegible] 56 [illegible] [illegible] [illegible] manifestat [illegible]
[illegible] ad audiat [illegible] [illegible] Bonum ~~[illegible]~~

[illegible] anni 1652 [illegible]
[illegible] quamdiu [illegible]
denegare [illegible] attento [illegible]
[illegible] a voluntate [illegible]
[illegible] concedentis [illegible]
[illegible] et de [illegible] agat cum [illegible]
nollet certo [illegible]

Hac [illegible] dicam [illegible]
modo [illegible] de [illegible]
[illegible] ac [illegible]
[illegible]
[illegible] dictam multa [illegible]
[illegible] verba, et [illegible]
[illegible] cogitationi [illegible]
[illegible] modo [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] cartesiana [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] debent [illegible]
[illegible]
[illegible]
[illegible] eadem

[illegible] eo non obstante [illegible] intervenientes [illegible] Ecclesiae [illegible]
[illegible] ad dicendum [illegible] capitulum et docendum eius
~~[illegible]~~ invaliditatem et [illegible] quae adeo [illegible]
et certa ut de illa dubitare non sit necesse;

[illegible] subinde [illegible] Bona [illegible] Ecclesiae
[illegible] et [illegible]
[illegible] Patroni et [illegible] [illegible]
[illegible] Patroni [illegible] habeat ex [illegible]
et ex [illegible] antiqua illius ministratis bona [illegible]
[illegible] quorum [illegible] et [illegible]
[illegible] et [illegible] [illegible]
[illegible] abs aliqua conditione [illegible]
nec [illegible]
~~[illegible]~~ [illegible] abolen[illegible] deberent
[illegible] in omnibus Bonis [illegible]
illius [illegible] [illegible] et
[illegible] [illegible]
[illegible] dictam [illegible] [illegible]
[illegible] deberent [illegible]

[illegible] aut [illegible] quales deducere vellet [illegible]
[illegible] vellet [illegible]
[illegible] Patroni in Bonis Controversis, sed et in [illegible]
[illegible] quod dicere [illegible]
[illegible] in quibus de [illegible], nec
[illegible] nec [illegible] fuit [illegible]
[illegible] resistunt [illegible] documenta [illegible] et
[illegible] habere [illegible]
[illegible] fuit [illegible]

Et quest dicat [illegible] [illegible] [illegible] tabulationis
[illegible] [illegible] [illegible] ne [illegible] agnovi in [illegible]
[illegible] [illegible] [illegible] talia [illegible]
[illegible] et [illegible] [illegible]

[illegible] [illegible] transiturae [illegible] [illegible] [illegible]
[illegible] indicit decreto [illegible] uno [illegible] [illegible] eo quia
de [illegible] [illegible] [illegible] [illegible] sit [illegible]
[illegible] tenere [illegible] [illegible] debet

[illegible] [illegible] transactionis [illegible] inter
[illegible] [illegible] aliqua indicat [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] eo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] in eo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] denique [illegible] uno [illegible] [illegible] [illegible]
[illegible] [illegible] in eo [illegible] [illegible]
[illegible] ultra eos [illegible] [illegible] [illegible]
[illegible]

modo [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] aliqua [illegible] nec [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible]

Ecc.mo Principe

Il sito della Rezza del S. [illegible]
[illegible] che è bene posto nel medesimo
[illegible], et serve [illegible] nell'ant. ancora
Parte de confini [illegible] [illegible]
ma non è il stesso confine [illegible]
alcuno molto anni [illegible]
come manifestamente [illegible]
che già mandai [illegible]
[illegible] Comandi [illegible] [illegible]
onde sarà stato equivoco [illegible]
[illegible] l'altra [illegible]
Parte quando al [illegible]
[illegible] come [illegible]
[illegible] Parte [illegible]
il quale della [illegible], et [illegible]
[illegible]

Intende il quale [illegible], et [illegible]
[illegible] contiene [illegible]
[illegible] [illegible]
quali [illegible] [illegible]

[illegible]

cirgrauni(i), et i tabernatori, come

..... consignatione annexa già mandata

di raccolte, nè è meraviglia se anco

l'anno 1604 il suo ..... facesse

a stessa espresso.

..... si con..... ..... che oltre

il Fiume ..... dalla Parte ..... questi

quelli per altro ..... dalli ..... del

Fatto, i quali Testimonij altre volte

attestati, et ..... dal Disegno, ... le

Catene, et Monti molto più avanzati

nelli Pello.

..... Fatti per ....

..... Fiume ....

come nel Disegno ....

che il Monte stesso ....

Borgogna, et ..... di Pello. Et questo

Ne mai ....

nelle Parti .... et ..... più

fatto ....

....

chiamato P. Fox

Tanto fosse à Norvegia, et tanto fummo à Vienna all' [illegible] à sottomissione delle [illegible] lagrime [illegible]

[illegible] a retro linea

[illegible] esa[illegible]

[illegible]

in [illegible] [illegible] [illegible]

[illegible] Cardinal [illegible] [illegible]

che il [illegible] [illegible] haveva

[illegible] a [illegible] leggi, perche [illegible]

in [illegible] di Roma

che è a punto nel [illegible] [illegible]

in questa [illegible]

che è [illegible] [illegible] formale

[illegible] anco [illegible]

[illegible] et stamane [illegible]

a [illegible] lo Stato delle [illegible]

[illegible] il Dumne [illegible]

come [illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] come [illegible]

Sanch[illegible] [illegible]
[illegible] ~~[illegible]~~
[illegible] [illegible]
Mentre [illegible] dal [illegible] di [illegible]
[illegible] stallando [illegible]
[illegible] testa

Parl[illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible]
ma [illegible]
[illegible] [illegible]
chiamato Sanch[illegible]
[illegible] altro [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
di [illegible] ex [illegible] altri

[illegible] se [illegible] nomina [illegible] [illegible]
Sanch[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]

Non si mente mai del Conte Porta
di stabilirsi per consiglio ministerio
[illegible] il Cres dello Regno di
[illegible] Regni [illegible]
[illegible] ordinato nel medesimo [illegible]
che sia ancora a firmare il [illegible]
[illegible]
Christiano, [illegible]
il Monte di [illegible]
[illegible] anni.

[illegible]

Il Cres dello Regno di [illegible]
[illegible]
nel medesimo [illegible]
[illegible]
anco sia [illegible] delli
stati [illegible] altro [illegible]
medesimo [illegible]
dai [illegible] che [illegible]

stato equivocato da chi cosi la
[illegible] fedelissimamente
[illegible] convenisse, et [illegible] effettuasse
[illegible] ordinanze [illegible]
[illegible] del Canale [illegible]
[illegible] et [illegible]
mente [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
effettivamente.
[illegible]
[illegible]
[illegible]

[illegible] ex [illegible]
~~[illegible]~~ quelli [illegible] e [illegible] et [illegible]
[illegible]
[illegible] Batt[illegible]

Stati [illegible]
[illegible]
[illegible] Come [illegible]
[illegible] disegno [illegible]
[illegible] il monte [illegible]
chiama il monte [illegible]
[illegible]
[illegible] nelle
[illegible]
[illegible] confini [illegible]
[illegible] soliti [illegible]
quei [illegible] al Confine chiamato [illegible]

Tanto porto a V.ra S.ta [illegible]
a V.ra [illegible] all' [illegible] Ambasciatore [illegible]
[illegible]
a [illegible]

Ecc.mo [illegible]

[illegible] alla [illegible]

[illegible] e ben [illegible]

[illegible] et [illegible]

[illegible]

[illegible] Dimori [illegible]

[illegible]

[illegible] fin dalli

[illegible] atam [illegible]

vede da [illegible]

VE.za et [illegible] deue nouam.te [illegible] mancar

[illegible] Sua [illegible]

[illegible] mia

contr [illegible] ~~[illegible]~~

~~[illegible]~~ [illegible] in [illegible]

[illegible] mette fuora [illegible]

da chi [illegible] ne fece la [illegible]

[illegible]

[illegible]

[illegible]

il quale ove detta [illegible] et
La Villa di Borgogna

Mentre il quale [illegible] i suoi confini
[illegible], et si contiene entro i confini
territoriali, et [illegible] a quelle
[illegible]; onde essendo questa in
[illegible] che è confini [illegible]
et d'[illegible] in [illegible]
[illegible] come si raccoglie
dalla Cardinal [illegible]
mandata [illegible] è meraviglia se
anco l'anno 1604 il suo [illegible]
ne facesse la stessa espress. [illegible]
[illegible] costante [illegible]
[illegible]
[illegible]
[illegible]
[illegible] Terminus [illegible]
[illegible]
[illegible]

sino ai Confini Cremonesi in altri
[illegible]

Et habbi per certo [illegible] [illegible],
che passato il detto [illegible] vedon
dalla Parte dell'[illegible] a [illegible]
fino ai Confini di Borgogna
come [illegible] in controversi
di che il monte [illegible]
al [illegible] [illegible]
il monte & [illegible] [illegible]
Piemo; che [illegible]
[illegible] in quelle parti
dal [illegible] confine [illegible]
[illegible] di Borgogna [illegible]
fino al [illegible] chiamano [illegible]
[illegible] a [illegible] Termini
di lor giuriditione.

Tanto porta a [illegible] [illegible] à Chiaretta ex ~~[illegible]~~
~~[illegible]~~ ~~[illegible]~~ sottomessi [illegible]
per le ragioni ~~[illegible]~~

1648. 11 Maggio

[illegible]

[illegible]

[illegible]

[illegible]

1639. 3. 9mbre

[illegible]

[illegible]

[illegible]

[illegible]

1382 9 luglio   2

In Christi Nomine Amen. Anno Nativitatis eiusdem mill.mo trecentesimo octuagesimo sec.do, Ind.e decima, die Veneris, nono mensis Julij Actum in Ecclesia s.ti Abbatiae S.ti Galli de moggio ordinis S.ti Benedicti Aquilegien. dioec. ante altare maius Abbatiae p.tae praesentibus Venerabili et discreto viro D. Presbytero Francisco de Resia Plebano d.ti monasterij mosacensis, provido viro Antonio quon. Hann. de Saxetia, domicello familiare infr.ti D. Abbatis, Carolo quon. [illegible] de moggio, Tantusso quon. Joannis Cordonis de d.o loco, et Henrico Reyproi=ni de Padua familiare, et campano infr.ti D. Abbatis omnib. testib. specialit. ad infr.a vocatis. R.dus D.nus D.nus   Dei, et Apostolicae Sedis gratia Abbas dignissimus p.ti monasterij S.ti Galli de mosio Aquilegien. dioec. pro se suisq. successores et vice, ac nomine p.ti sui monasterij, capituli et Conventus eiusdem, omni modo, via iure et forma, quib. melius et efficatius potuit, de voluntate, et expresso consensu D. fratris Blasij de Bononia Prioris d.ti capituli, et conventus, Jacobi et Odorici de mosio monachorum d.ti monaste=rij mosacensis, sono campane in d.ta Abbatia more solito congregatorum, qui ad p.ns capitulum, et conventum ip.ius monasterij totaliter representant, cum plures tunc non essent monachi in d.to monasterio [illegible] Priores d.ti conventus, locavit, et affictavit, iure simplicis census, solito semp. iure [illegible] solito solemniter investiendo infr.tos pro se, suis infrascriptarum Villarum pro se et eorum Communib. et Hominib. infrascriptarum Communium stipulanti=bus conducentib. et recipientib. in primis Bernardo quon. Simeri de Villa de Grivio ibidem p.nti pro se, et suis Commun. et hominib. Communis de d.a Villa de Grivio in re simplicis census sollemniter Stipulantes Item Giberto quon. Domenici de Ussaco ibidem etiam p.nte pro se, et suis Commun., et Hominib. Communis de d.ta Villa de Ussaceo iure simplicis census solemniter stipulant., et pariter conducent., et recipient.; et Jacobo quon. Henrici de Resia pariter

ibidem

ibidem pnti psse, et suo Communi, et Hominib. de d.to Communi de d.a Villa de Resia d.o iure simplicis census stipt.i et pariter conducent. et recipient. qui omnes Conductores, et ipsorum quilibet pro dictis Communib. et hominibus d.or Communium suprascriptarum Villarum promiserunt de rato, et ratihabitione sub bonorum suorum omnium obligatione infrascriptos monte: monte n.o qui vocat. Stravestramischa, it - monte qui vocat predulina et alium monte, qui vocatur Chella, omnes montes contiguos et ad invicem se tenentes, et pascua ptinentes ad montes p.tos et quemlibet ipsorum cum omnib. iurib. et actionib. realib. et psonalibus ad montes p.tos et eorum quemlibet spectantibus, et ptinentib. sitos et positos in loco dicto Canale de Usea et in Riuo Bianco quorum montium contiguorum, et ad invicem sic se tenentium, quantitur hi, dicuntur circumq. fore Confines versus partes Orientales est quidam locus vocatus Chiluchordo usq. in Chilincilis, et in camarcafede versus partes septentrionales est quidam locus melezenaraun, et quidam locus vocatus riuus de Lerna=patoch iuxta cescamcale uersus meridionales partes est quidam locus uocatus in Layenes usq. flumen Chella, ad melanefarimim, et uersus par=tes occidentales est quidam locus uocatus maleurch, et quidam locus uocatus Strop; et quidam alius locus uocatus miser, vel si qui aly dictorum montium contiguorum, et cuiuslibet eorum confines sint, clariores, et veriores ad habendum, tenendum, possidendum, utendum, fruendum, pasculandum, et quicquid d.tis Conductorib. et eorum cuilibet, Comunibus q. suis et eorum successoribus de d.tis montibus, et eorum quolibet iure utiles dominij placuerit, de cetero faciendum; cum omnib. et singulis que infra p.tos continentur confines, vel alios, qui forent, cum ingressib. et egressib. suis usq. in vias publicas, et cum omni iure, actione, seu recognitione ad ipsos montes, et eorum quemlibet spectantibus et ptinentib.

et pertinentibus Solvendo annuatim Conductores p.ti Sub quibus Conductorum
p.dictorum &c., et d.ti sub Communi termino, et temporibus debitis et
consuetis p.to d. Abbati pro se suoque monasterio, et successoribus suis stip.ti et
recipienti Iure Simplicis census moltum unum lactis quod hic ascendat
in ultos tres lactis in anno conductum ad monasterium p.tum omnibus ipsorum
conductorum, et cuiuslibet eorum sumptibus, periculis, et expensis; de quibus
quidem montibus, et eorum quolibet, seu ipsorum aut cuiuslibet ipsorum
parte promisit p.tus d. Abbas nominibus quibus sup. supradictis
Conductoribus, et eorum cuilibet pro se, et d.tis ipsorum Communibus stipu=
=lantibus, et recipientibus non movere litem, causam, questionem, vel controversiam
nec moventi consentire se ipsos montes et ipsorum quemlibet particulariter
et in totum promisit d.tus d. Abbas d.tis conductoribus stipulantibus, recipientibus
nominibus antedictis quantum est pro suo facto, dato, concesso, et obligato ab omni
persona Communi, Collegio, et Universitate legitime deffendere, manu tene=
re, authorizare, et disbrigare salvo in Iud.o quam extra omnibus suis et d.
monasterij sumptibus periculis, et expensis promittentes d.ti Conductores
versa vice nominibus antedictis eidem d. Abbati stip.ti et recip.ti nominibus quibus
sup. lantum eundem quantum in d.tis montibus et quolibet eorum iugare locationis p.te
alicui non vendere, donare, obligare vel alienare absque expressa scientia,
et voluntate d.ti d. Abbatis in se semper et dictis montibus, et ipsorum quolibet iure
proprietatis, et directi dominij reservantis, Quod si secus fecerint ex nunc
prout ex tunc ipsa venditio, obligatio vel alienatio nullius ut penitus robo=
ris, vel momenti, et nihilominus ab eorum iure recidisse totaliter intelligantur
quia sic inter partes fuit finitum, et conventum quam concessionem locationis,
et affictationis, et que omnia, et singula in p.ti Instr.o contenta promise=
runt partes p.tae sibi ad invicem solemnibus stipulationibus hinc inde inter
venientibus habere rata grata, et firma, et contra p.ta vel eorum aliquid
nunc opponere, dicere facere, vel venire aliqua ratione vel causa, doli,
ingenio, et iure vel de facto, sub pena dupli valoris, et estimationis
eius

cius de quo lis, seu questio moueretur minus quam totᵒ sollemni stipulatione promissa

quia soluta vel non pnᵗⁱˢ contractus plenã obtineat roboris firmitatem, pro quib

omnib, et singulis firmiter attendendis obligarunt ptes ptᵉ omnia eorum, et dⁱ

monasterij bona tã habita quã habenda.

Signum et subᵒ Notᵢ — Ego Bethyarus ... publ. cus imperial. auctᵗᵉ Notᵢ et scriba pdti Abbatis pmissis omnib, et singulis ... non rogatus publ.ᵉ scripsi.

Aliud signum et subscriptᵉ — Ego Joannes Trenus de Forte q. D. Victoris Ciuitatis Belluni pub.ᶜᵘˢ Imperiali auctᵉ Notᵗ et in pntiam sp. Communitatis Ventionis Canaˡᵉ pnˢ transumptum ex quodã ex quodã publico instro in membrana vedatẽ quamuis in aliquibus partibus lacerato ... aliquibus ut supra in pt membrana fidel ad instantiã ~~...~~ hominum Canalis Rez fideliter exemplaui nil addit. vel imminut quod sensum mutet vel sententiã, et in fidem signo, et nõe meo roboraui

Inuestitura pmissam prout Notᵃ et iacet ex libro priuilegiorum Rᵐᵃᵉ Abbatie moiacensis ad p. 137. manu extᵃ propriᵃ a Joannes Leonardus ... Ciuis et ... Ventionis Notᵗ et dᵉ Canalᵉ ... et se in fidem subᵗ ...]

1394. 14. 7mbr

Millesimo Trecentesimo Nonagesimo quarto Ind. secunda; die quarto decimo mensis Septembris. Actum intus Aquilegiae dicecesis super sala monasterij, presentib. providis viris ser quondam Pelegrino de mosio michaelis libaldi, Gregorio q. Horet, Joanne filio Nicolai Cosul his de Trivisigna, Andrea quondam mag.ri Pinni, Simone quondam Jallan, his duobus de Aupa testibus, et alijs plurib. vocatis, et rogatis. Rev.dus in Christo Pater, et Dnus Dnus Franceschinus Dei gratia Abbas mosacensis cum velle, et consensu honestorum, et religiosorum monachorum suorum ibidem presentium, et ad hoc specialiter vocatorum Fratrum Henrici Prioris Simonis Sacriste, et Elij, qui totum Capitulum, et Conventum dicti monasterij representant, cum plures in p.nti non fuerant, ut dicebant, pro bono, et util. sui monasterij, Capitul. et Conventus, quod q. Predecessores suos in infrascriptis hactenus itum existit prosequendo pro se, et eius successores, et vice, et nomine d.ti sui monasterij, Capituli, et conventus nomine simplicis census, et affectus cum simbria sui habitus, salvo tamen iure cuiuslibet persone, et iure monasterij confirmavit, et ratificavit in manib. Dominici q. Jacobi de Holuitia, et Martini q. Joannis de Stoluitia pro se, et tota eorum Communitate tam ~~[illegible]~~ ~~[illegible]~~ dicte Ville Stoluitie Canalis Resie stipulantib, et recipientib omnes locationes, affectationes, et investituras factas Communitati tam q. Predecessores suos factas, et concessas de quibusdam montib continuis nominatis Jatuch, Sart, et Cuntis cum eorum ptinentijs positis in ptinentijs Stoluitie inter sua loca, et confinia q. Ab uno latere prope viam publicam eundo Cuntis ab alio iuxta locum, qui dicit. Brale, et prope viam eundo a d.to loco Brale ad locum qui dicit. de Dalina ab uno alio d.ti montes ad locum, qui dicit. de Plazij et ab ipso loco Plazij tenendo ad locum, qui dicitur Cripi et a d.to ~~loco~~ Cripi ad locum, qui dicit. in Petrobrodo, et usq. ad summitatem Jatuch, et a prope viam descendendo a d.ta summitate usq. ad Rivum qui dicitur Chaurischijpatuch, et usq. ad quendam pratum martini de Ille ach

de Oseach, et propè p.tu Pratu eundo ad pmū locū sup.tu nominati Cantis, vel inter alia dict.um montiu ueriores Confines, si qui forent, ad habend, tenendū, et salvis tamen Iure Iure monasterij p.ti ut sup. pmit titur Promittens p.fatus d. Abbas de ipsis montibus nullā dationē facere sed ipsos montes legitime, in Iure manu tenere. et ex proposito D.ti Domi nicus et Martinus p. se et eoru Communitate de Holutia promiserunt p.ti d. Abbati prosequi singulo anno noie pensionis, et ascensus, ac simplicis affictus temporib. consuetis p.to d. Abbati, et suo monasterio mensuras Casei sex, et uno anno moletos octo, et alio decem, prout hactenus pro ipsis montib. solvere consueverunt. ipsosq. montes meliorare, et non deteriorare: Quę omnia et singula etc. promiserunt una pars alteri firma et rata sub obligatione eoru bonoru vz bonorum monasterij, et D.tę Communitatis

Sub.o Not.o | Et ego Ioannes Franciscus q. Sp. Iuris utriusq. Doctoris Francisci de Tellasinis de Itinis Imperial auctoritate Not.s publicus sup.tus instrum fideli sumpsi ex notis et Protocolis Andreę Leonardi Pellorij Notarij mihi commissis olim mag.ci et generosi Viri D.nūi Iacobi Veneri Patrie Fori Iulij Locumtenentis, in quoru fidem me sub. signo, et noīe meis solitis consuetis

Ego Ioannes Leonardus Morettus Civis, et V.t Venetorū Not.s et modo Vicem.s sup.tus Instrūm ex alio consimili in membrana registrato existente penes Commune, et Homines de Holutia fideli descripsi, et me subs.i

is
orent,
pmit
eve
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b.

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140
[illegible]

1401. 24. Feb°. . Vol.

In Christi nomine Amen. anno eiusdem Nativitatis millesimo quadringentesimo primo Ind. nona die vero 24 mensis Februarij Actum notarij in Ecclesia S.ti Galli de motis Dioc. Aquileien. presentibus ibidem m.ro Fran.co de Nuremberg capl. notarij, Joanne Savalmant de Reliatta, Simone dicto mels de motio, Gregorio quondam Andree Nuntio Abbatie mosacensis testibus ad hec habitis vocatis atque rogatis. Ibique coram egregio m.ro Mauritio Rectore, et Gubernatore Abbatie mosacensis cum venerabilibus ac religiosis viris Domino Domino Bernardo Priore monasterij mosacensis, Domino fratre Vicentio de Macedonia, Domino fratre Lampardo de Alemania Domino fratre Joanne de monte Sancto monacis eiusdem monasterij hiis quatuor de mandato eiusdem m.ri Mauritij capitulanter ad sonum campane prout moris est ad infrascripta peragenda, et quomodo totius monasterij pro agenda congregatis, cum plures tunc esse non potuissent. Constituti Leonardus textor, et Steffanus Cullino tamquam Procuratores, et Syndici hominum, et Communis Ville Stolutie prout ibidem asseruerunt humiliter supplicaverunt, et petierunt, ut prelati m.ri Mauritius Rector, et Gubernator Abbatie mosacensis Capitulum et Conventus dicti monasterij dignarentur eisdem procuratoribus et Syndicis nominibus quibus supra investire quendam montem, qui dicitur Indrevalla situm sora plan dell Sparaueren, et sora Blas, et prade de Savt de pertinentijs de Stolutia, sub certis veris confinibus, qui forent offerentes dictis dominis de cetero suis locis et temporibus ipsi monasterio annuatim affictum debitum et consuetum solvi, et elapsum solvere et satisfacere cum augmentatione ipsius affictus. Qui quidem m.r Mauritius Rector, monaci, conventus et capitulum considerantes, et advertentes ad amorem, et dilectionem quam gerunt erga subditos, nec non commodum et utilitatem ipsius monasterij, et de suorum successores dederunt, locaverunt, affictaverunt, et specialiter cum scapulari prelati domini Prioris investiverunt iure, et titulo simplicis affictus montem suprascriptum cum omnibus suis iuribus et pertinentijs Leonardo textori, et Steffano Culino tanquam Procuratoribus et Syndicis hominum, et Communis ville Stolutie ibidem flexis genibus existentibus pro se, et vice, loco et nomine dictorum hominum, et Communis dicte Ville Stolutie, temporibus solvendo tamen annuatim in festo S.ti Michaelis tres mensuras lactis de

et sy

et sup ipso monte cum suis iuribus et ptinentijs monasterio antedicto seu eius Guber
natoribus iure simplicis affictus et pro vera inuestitura et augmentatione
agnatis mensurata Laetis ad habend. tenend. possidend. gaudend. et usufru
ctuand. et non aliter nec alio modo constituendo se nomine ipsorum homi
num et Communis quasi possidere dictum montem cum suis iuribus et ptinentijs,
donec ipsi homines, et Commune dicti montis tenutas intrauerint et cor
poralem possessionem acceperint quam accipiendi et in se auctoritate propria
retinendi eisdem licentiam omnimodam contulit, atque dedit. Promittens pro se
suisque successores vice et nomine dicti monasterij ipsis Procuratoribus et
Syndicis pro se et vice, et nomine hominum, et Communis villae Stuluitiae
Stipulantibus et recipientibus dictam locationem affictationem, et Inuestituram ab
omni homine Communi Collegio, Ecclesia, Vniuersitate et persona qualibet
legitime manutenere, deffendere, authorizare et disbrigare, et non
contra facere, dicere, vel venire per se vel alium seu alios aliqua ratione
vel causa, aut ingenio, de iure, Consuetudine, vel de facto sub pena dupli
eius de quo quaestio moueretur minus quinque Solidorum Veronensium paruorum
stipulatione promissa, qua soluta nihillominus praedicta attendere teneatur et praesens
instrumentum obtineat plenum robur, Pro quibus omnibus et singulis
firmiter attendendis et plenius obseruandis praefatus in praesentibus Rector
cum voluntate, et consensu dictorum monacorum capituli, et conuentus
obligauit omnia bona ipsius monasterij praesentia, et futura. Laus Deo.

Imp. ^tis^ Not.) Ego Ioannes Orsatus filius quondam Leonardi Ciuis Veronae publicus
imperiali auctoritate Notarius ac iudex ordinarius his omnibus praedictis
fui, et ea rogatus scripsi et publicaui, signumque meum
apposui consuetum

Ego [illegible] Notarius [illegible] Ciuis [illegible] Antonij et [illegible] et [illegible]
praesentem [illegible] suprascriptam ex libro Instrumentorum [illegible]
Abbatiae [illegible] ad pag. 132 manu duxi propria fideliter [illegible]
in fidem subscripsi rogatus

Sblurzza.

Il Commun di S.ta Villa paga p la posta à San Lorz. ʃ 16. —
A S.ti Fillippo Giacomo p le pecore, et agnelli —— ʃ 30. —
A San Gervaso p il molto R.do una pella di formaggio
di peso di lib. —————————— n.° 15. —
A S.ta Margharitta molti di latte ii monte —— n.° 10. —
Misure di latte —————————— n.° 6. —
A San Michelle contadi —————————— ʃ 16. —
Formaggio lib. —————————— n.° 2 60. —
A Natale —————————— ʃ 24. 10
1651. 26 Giugno p l'inuestitura —— —— ʃ 1. —
et la decima di tutti i nascenti del Gregge
menuto.

Ex rotulis R.mae Abbatiae Disaccensis extr.t
Joannes Leon.s Nord.s Canc.s et Sub.s

Sig.re

giorno di Carnevale

Justo Gastaldi ... villa Sorella alli ...

... ...

investiture et locatione ...

... saranno ...

... la nominatione ... alla ... et il

... ...

et Cantis con le loro ... el Cerreto ...

Holinzza fra ... ...

... ...

... ... et ...

... ...

... parte son alla ... che ...

...

ad altro loco che ... et à d. loco ...

... ... et ... ...

... ... Sarà et ...

... endendo da d.o Jumiti ...

... et sia à ... ...

à d.o strato andando ...

Clonti ...

... fama ... denuntiato ...

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et parle [illegible] avant la [illegible]
[illegible]

Siccui

Investiture di S. Condune

1394 . 14 . 7mbre

1401 . 24 . Febo

1639 . 3 . 9mbre

1648 . 11 . maggio .

Non confinano li monti investiti coll' Veccal

Errua.

In Christi nomine Amen anno à nativitate eiusdem mille[simo] quingentesimo octuagesimo, ind[ictione] octava
1580. 9. Giugno. die vero nona mensis Junij Constitutus penes me Cancellarium, Valentinus michel
Saltator Ville Erizze, nec non Joannes Bobo, et Christianus Copet de S.to Leo, et
Ius, et S.ti Communis nomine pro quo etiam de rato promiserunt in executione sententie
Sp. D. Gubernatoris nostri late sub die quarta mensis currentis de qua in actis
iudiciarijs manu mea, omni meliori modo, quibus dividendo montes interdictos eorum
Commune ex una, et Commune, et homines S.ti Georgij ex alia ad dictum contentiosos
dixerunt illos siquidem montes dividere, et in partibus duabus dividere eorum
eorum meliori situ, et posse prout infra vulgari sermone notatum apparet et primo
Nella prima parte diremo voler che ha et s'intendi esser tutta la monte cominciando
do da Pie del luogo detto mirnich appresso lo fiume Vrea andando in su per lo
[illegible] suso per lo qual Caurnal diremo haver scolpite tre croci in Sasso, et
una in la Cima, et poi da essa cima essendo [illegible] per detta linea andando fino
[illegible] nasce lo nuovo [illegible], Et in l'altra parte che ha et esser s'intendi
tutto lo monte cominzando [illegible] del fiume Vrea per mezo, et a rimpetto del loco detto
dal piede del Mirnich, et andando suso per detta linea per uno [illegible], over
che è fatta una croce in Sasso per fino alla summità di esso monte per le quali
sono segnate in quatro Sassi, quatro Croci, et traversando per detto [illegible] verso
Stolazza sotto per mezo lo nuovo chiamato la [illegible], andando drio due
Croci signate in due Sassi declarantes, et affirmantes se d[ict]os montes sicut
sup. divisisse, et in duab[us] partib[us] seingrasse, concedendo ipsi Communi, et hominib[us]
Ville S.ti Georgij liberam arbitrium auctoritatem, facultatem atque [illegible] et
elligendi unam ex ipsis duabus quam maluerint partibus declarando ulterius
quod habentes partem versus del mirnich habeant, et habere debeant
liberum accessum, et ingressum eum eorum animalib[us], et gregib[us] ad d[ict]os montes per
Strata, qua tendit ad locum appellatum Harreschia. Laus Deo semper.

Lecte, date, promulgate fuerunt sup[radic]te divisiones de Commun[i] partium infrascriptarum
voluntate et consensu per me Bernardinum Andreassium Not.[ari]um infrascriptum die
martis 21 Junij 1580 Ind[ictione] 8.a presentibus [illegible] Stephano [illegible] Consule
S.ti Georgij Stephano [illegible] [illegible], Antonio Bellina, Simone Dominici
[illegible], et Joanne [illegible] [illegible] omnib[us] de S.to Leo S.ti Georgij

eorum facient' vice, loco et nomine d' eorum Communis, à quo dixerunt habere ad hoc speciale mandatum et de rato in eorum proprijs bonis pro eodem eorum Commun. promiserunt ex una, nec non ualide micel Gastaldione Griniae Floreani michaelis Floreanis Antonio Chrestani, et Nicolao Christophori omnib. de Grinia facientib pariter et interuenientibus pro eorum Communi Griniae et pro eis simul in eorum proprij bonis de rato promittentib et affirmantib. se à dicto eorum Communi speciale mandatum ad hoc habere ex altera dictasq. divisiones in omnib et per omnia ut supra factas acceptantib. approbantib, atq. laudantib. sic, et omni meliori modo.

Et inde in executione premissarum laudationis, et approbationis d' partes optantes finem imponere quibuscumq. eorum difficultatibus, supradictis interuenientes pro Commun. et hominib. d' Seres optime consideratis dictis omnib. ipsi stante contentamento et electione sibi data à Commune, et hoib. Villae Griniae, ut in actis manu mea, ellegerunt sibi partem et portionem montis vivenoris, quae uocat. da Stavricha cum finibus et Confinib supra specificatis. interuenientes uero pro Commun., et Hominib. Griniae ellegerunt, acceptauerunt, et approbauerunt in partem, et portione' una' monte' uocata' de Cagnola cum suis finibus et confinib. de super declaratis. Et insuper ipsis ambabus partibus ita contentantibus pro reseruandis quibuscumq. eorum difficultatibus, et pro bono pacis, et perpetuae concordiae fuerunt communiter et concorditer hec infra pacta adeatis, et mutuis et reciprocis stipulationibus hinc inde interuenientib firmata v3 quod bona Communalia intra d' Confinia existentia sint, et remaneant in suo statu, et esse et usufructus prout ab elapso consueuerunt usufructuari, et obseruatum p ipsas partes fuit. Item quod si aliquod animal minutum uel grossum alicuius ipsarum partium cuiuscumq. generis existat, sorte transiret confinia, et permaneret super altera parte ad pabulum p. spatium duarum dierum et noctium neutra ipsarum ualeat alteram pignorare eadem causa et pariter illud idem intelligat' de Grege seu Casara utriusq. partis in casu transgressionis confinium p cantus lapides, et non ultra et p.to biduum tamen quomodo non sit malitia, quo casu et si ultra duas dies, et totidem noctes

noctes aliqua partium ipsarum reperta foret inferre damnum alteri parti, tunc possit, et valeat se viriei pignorare. Quae omnia et singula ipsae ambae partes pro se et quib. sup. promiserunt sibi invicem rata, grata et firma perpetuo habere, tenere, attendere, observare, et inviolabit. adimplere, et contra nunquam facere, dicere nec venire, et minus reclamare sub penas quae firma Rati omnia praemissa remaneat, pro quib. omnib. et singulis adimplendis, et inviolabiter observandis, obligaverunt omnia bona sua, et dictorum eorum Communium in solidum mob. et stab. praesentia et fut. Acta praemissa omnia fuerunt Rezuttae in scriptor. mei praesentibus Bertulo Solari, ac Batta filio Francisci Andreasij ambobus de dicta Rezutta, ac Simone Georgij Hegn de Nolastra testib. vocatis habitis atque rogatis.

S. [illegible] Ego Bernardinus Arenazzus q. D. Joannis de Rezutta pub. et Imp. auct. et Simpl. aet. Not. praemissis dum sic agerent. adfui rog. et ut scripsi, manu propria publicavi, et signum eius nomine consuetum apposui.

Ex alio consimili in membranis registrato existente penes Commune S. Sergij manu descripsit propria Joannes Seb. Moros cius et Ant. Ventona Not. et modij [illegible] et sub. in fide rog.

[illegible]

[illegible]

[illegible] 2 [illegible]

[illegible]

[illegible]

[illegible] + + + + [illegible]

[illegible] + [illegible]

[illegible] + + + + [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Le [illegible]

[illegible] et

[illegible]

[illegible] le qual

[illegible]

[illegible]

N.° 4.

Investiture di q.to Comune

1382 · 9. luglio

1580 · 9. Giugno.

[illegible] 6 [illegible] . [illegible]
[illegible]
facte [illegible]
[illegible]
[illegible]
[illegible]

Nottarella delle scritture ij
che erano per mano di ?
Vretti di Gemona

[illegible]

[illegible]

[illegible]

No. 3

In Christi [illegible] Joanne Amen [illegible] a Nativitate eiusdem millesimo quingentesimo nonagesimo

quarto, [illegible] septima die vero p[illegible] mensis maij. Nobilis dominus melchior

1594 [illegible] Boscalinus à metuna pro Ill.mo [illegible] Joanne Francisco miseratione diui=

9 [illegible] na Sanctae Romanae Ecclesiae titul. S.ti marci in Via Cardinales marocen[illegible]

Episcopo Brixie, duce marchione et Comite atque Abbate S.ti Galli de

[illegible] Commendatario [illegible] petitione audita expositione coram se facta per Antonium

[illegible] Sastal[illegible] Ville [illegible] Canalis Rezie cum [illegible] et

interuentu aliorum plurium [illegible]

[illegible] vocatus de Cradul.na existens intra

hos confines [illegible] ab ortu iuxta Costam vocatam de Cozinganich à sumitate

usque ad radices tenendo [illegible] costam à meridie iuxta flumen [illegible], ab occasu

iuxta montem [illegible] Communis S.ti Giorgij, et pascuum Communis

in [illegible] perdendo ad locum appellatum Samarich, et ex eo ad locum quem

dicunt [illegible] deinde ad locum nuncupatum [illegible] et exinde ascendendo

[illegible] appellatum [illegible] ad locum qui dicitur Baba et exinde ad d.tam

Costam de Cozinganich saluis instrumentumque huiusmodi concessionis, et

inuestitionis d.ti montis fuisse publicatum [illegible] et Scribam tunc temporis

rogatum, et [illegible] Commune extractum, nihilominus ignorare quomodo [illegible]

[illegible] humiliter petierunt, quod eius S.tas dignaretur, ac vellet

[illegible] et inuestitionis [illegible] Cancellar-

ium [illegible] ad perpetuam memoriam [illegible] Communis

[illegible] temporibus solutum, et [illegible] solui solitis, et [illegible]

et omni meliori modo [illegible], et vice ac nomine antelati Ill.mi [illegible]

[illegible]

[illegible] et [illegible] et forma quibus

[illegible], et melius, sciuit, et potuit, ac de iure fieri debet, et [illegible]

[illegible] quorumcumque [illegible]

concessit, et [illegible] annuatim impositionem in digito sup.ti Antonij [illegible]

Gastaldionis Oseacei coram eius Sp. pen bus flexis constitut. et hoc humiliter supplicantis viceq. et nomine intelat: sui Communis Oseacei ipquantis et acceptantis Coll. supradictum Pristea de Vadulina cum omnib. eius iurib. gaudendi, et possidendi praeut [?] elapsus con
sueuerunt Commune, et Homines de Oseacei infra suos Confines
[?] et cum onere soluendi debitum affictum seu censum Communae ipsum [?] elapsum solitum solui, et consuetum suis debitis temporibus pro ut ipse Gastaldio, et coram eius Vicinis in partes soluere promiserunt et omnia quaecunq. iuris, et facti exceptione interueniente, mutuis et solemnib. stipulationib. hinc inde d.te partes p.te et nominibus quibus sup. promiserunt sibi inuicem atendere, obseruare, et adimple re, et omnia firma rata, et grata habere, et contra non facere, dicere, nec uenire [?] se obligando pro manutentione promissorum bona sua omnia et Abbatiae et Communis tam habita, quam habenda mandantes sup. rogantes hoc publicum fieri documentum ad perpetuam rei memoriam Actum Rezz[?] sup. Orat. S.te mariae in Camera sacerdotali p.ntibus R.do d. Petro Locatello Vicario Curato modo, et R.do Patre Augustino Rosa monaco S.ti Abbatiae testib. uocatis, habitis, atq. rogatis.

[Alberi; et Not.] Ego Albertus filius q. d. Bernardini Andriani Canc. modo publicus Imperial. aut.te Not.s sup.ta Inuestitionis Instrum. ex notis d. Gentium[?] mei fideliter de uerbo ad uerbum nil adendo, extraxi et in fidem signo ac nomine meis, manibus, ac sigillari [?] connotatis

Ex alio consimili in membranis registrato existente penes Commune Oseacei descripsit fideliter manu propria Joannes [?] moroni[?] Curiae et V. A. Venetiarum Not.s et monacensis Vicar.s et in fidem suit[?] anno 1659 3. martij.

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1605. 14. 9bris.

In Christi Nomine Amen Anno Nativitatis eiusdem millesimo sexcentesimo quinto Ind.ne tertia, Die vero lune quarta decima mensis Novembris Actum Regie iuxta pratum Stae Mariae in Edibus Rdi [illegible] loci coram mag.co D. [illegible] Santonio Gubernatore Modij ibidem ad hec atque alios providores electi

Comparuerunt [illegible] Zanettus q. mr mathei Gastaldio Sti Georgij mr Hieronimus [illegible] mr Petrus Zanettus fratres, et filij q. mr mathei tanquam [illegible] et nomine d. Communis et hominum Sti Georgij ad hoc in eorum Vicinia plena de more congregata, ut dixerunt, electi deputati, et destinati exponentes eorum Communis, et homines pte Ville Sti Georgij iam annis [illegible] ut [illegible] investitum et investitos fuisse a Rmo Abbate Modij tunc temporis cum annuali pensione de montib. infrascriptis ad usum pascuandi cum eorum gregibus videlicet de monte vocato [illegible], et monte [illegible] sic vocatis, ut patet de huiusmodi Investitura seu recognitione et conductione instrumento in membranis veteribus dicti Julij 1362. transumpto ex alio instrumento veteri [illegible] de Costa [illegible] Cive Civitatis Belluni Not.rii publici et alias Cancellarii mag.ce Communitatis [illegible] et lecto [illegible] magnificum Dominum Gubernatorem. qui quidem montes comprehenduntur et existunt intra hos [illegible] confines, et limites vz. et pe versus partes orientales et quidem locus vocatus [illegible] usque in [illegible], et in [illegible], versus partes septentrionales est quidam locus dictus [illegible] et quidam [illegible] sus Rivus de [illegible] iuxta [illegible] versus meridionales partes est quidam locus vocatus in Lastones supra [illegible], et versus partes Occidentales est quidam locus vocatus [illegible] et quidam locus dictus Stroy et quidam alius locus vocatus Miser, salvis [illegible] Exponentes insuper eodem instanti prout in pto instrumento patet Commune et homines [illegible] investitos fuisse et recognovisse sub pto titulo pensionis ab ipso D. Abbate [illegible]

ratel de Srandalina dic appellatur, et qui nunc de Srandalina est coniunc-
ius atq. se tenet cum p^tis eorum montibus Haretranschen, et Chille, et intra ~~ante~~
ante scriptos necnon confines. Petierunt itaq. et summopere rogarunt et sup-
plicarunt ipsum Cae^m Ma^{tis} Dnum Gubernatorem, ut eis [illegible] ne
[illegible] Cancellarius ad iterum, ac denuo describendum et recognoscendum ipsa
confinia una cum p^tis et existentia Communis et hominum Olleacci et
alterexaturum ad omnem bonum finem et effectum, et confinia pr[illegible]
[illegible] et manifeste omnib. pateant, et dignoscant, ne post cursum temporis
evanescant et obliviscant, et lites, et contentiones inter ipsa Communia
S^ti Georgij et Olleacci oriantur, et ut hec modis prof[illegible], et [illegible]
[illegible] cognosci et tractari possit facta iurione descriptione, et recognitione
[illegible] et sup citari fecerunt Benedictus Bathul Gastaldione
Olleacii, nec Matthias Billina V. Gastaldionem Stolatie quat^i sua putent
interesse pro nunc cora eius dominatione ad uidendum declarari pro
ut supra [illegible] S^ti Georgij petitur, et ita petierunt fieri, et declarari
non solum [illegible] verum omni alio meliori modo, prout melius de iure fieri
debet et potest pro bono pacis et concordie, atq. vicinitatis et ut quilibet
possideat quiete, et pacifice quod suum est, prout omnis ius et equitas
suadet. Quibus tandem auditis ac visis allegatis Instrumentis necnon
Sententia Arbitraria secuta inter p^ta communia S^ti Georgij et Olle
acci de anno 1503. die [illegible] Julij manu q. [illegible] Caballe
lett tunc Cancellarij [illegible] Consideratione omnib. mature et merito
considerandis memoratus Ma^{cus} Dnus Gubernator annuendo eorum
honeste petitioni sententiando, et declarando deputauit me Albertum
Andriassium Vice Co^m subscriptum ad faciendas huiusmodi confinium Vil
arum descriptiones et recognitiones [illegible] servandis, et requisitis
[illegible] quare adeste intendant, et hec sine ullo minimo preiudi
cium Rev^{mae} Abbatie et quarumcumq. aliarum [illegible] mandando

mandando pro me Vcancellarium p[raedic]tum de premissis et super premissis publ-
cam fieri nota et documentum ad perpetuam memoriam huic et omnis
meliori modo ad laudem omnipotentis Dei optimi maximi,

Post comparuerunt mathias Billina Vgastaldio Holutij una cum Ser
Dominico Piel de eodem loco nec non Thomas Buttul Gastaldio .....
et ...ij pro eorum Communi dixit non intendere modo aliud dicere
nec respondere nisi reduxerint, et convocauerint eorum vicineas, et
in eis terminauerint quid agendum sit, et promiserunt se hodie
vel crastina mane id effecturos et postmodum responsum daturos

Supradicto Commune, et hominibus S.ti Georgii retulit Alexander
nuncius Preco Publicus modijs so modo repertis mathia Bellina
V Gastaldione, ac .. Dominico Piel de .... nec non Benedicto
Buttulus Gastaldione ...... super prato .! mane ...... eos omnes
pro nunc citare coram .... Gubernatore ad audiendum prout
tunc,

Premissa omnia ex alijs .... registratis in membranis
quon: ... . Albertum Andriusum .... et
modij Cancellarium existentibus penes Commune S.ti Georgij de ....
mano et ... propria ... . itidem
V Canc. et Sub.t in fidem.

S. Giorgio.

Giorno di Domenica: 2 marzo 1659

Io Pietro Colussi V. Gastaldo del Commune di San Giorgio Canal di Resia deputato dal mio Commune per l'absenza del Gastaldo attuale, chiamato Domenico Coos per ritrovarsi absente in Germania, obsequendo gl'ordini imposti da sua serenità, et espressi nel mandato à me presentato espongo, che il mio Commune possede li monti infrascritti di Parolleggi mediante l'investiture, et locationi fatte dalli RR.mi Abbati di Moggio, alli quali tanto nei tempi antichi, quanto nelli moderni habbiamo payato, et di presente payamo li douuti, et accordati censi, et recognitioni come io esponerò li Confini delli quali monti sono gl'infrascritti.

Il primo Confine si chiama Chilanoncelli nel qual sito è notabilmente intagliata in un sasso una +; il secondo in una Costa chiamata Chilla, ove poco discosto uno è parimente un sasso, nel quale è intagliata un altra + et questo confine si chiama del monte Chilla, et questa parte di monte che si estende verso occidente, et parimente l'altra parte di monte verso l'ombra, et che si estende verso occidente è, et aspetta al Commune, et homini della mia Villa, il terzo Confine, chiamato in lingua schiaua Chiamorlapet, che vuol dire sasso di Camozza in Italiano, sopra la cima d'un Collo, che è frà di Chiamorlapet, et Collo di mal uore sono intagliate due + + in cima lo predetto Collo, il qual è di dritura per trauerso risponde all'altro Confine dell'ombra, chiamato Chilinzoli, et questi sono li ueri confini delli predetti monti.

Il mio Commune paga alla R.ma Abb.a di Moggio somma la decima dei nascenti di tutti gl'animali minuti tanto di Pecore, quanto di Capre.

Alli Festività di di San Loren[zo] la posta —— ℔ 25.
A S.to Fillippo Giacomo —— ℔ 36.
A S.to Giovanni il p.mo molto di latte una pella di formaggio di peso di lib. —— n.o 15.
A Santa Margarita molti di latte —— n.o 11.
et misture di latte —— n.o 5
A S.to Michelle contadi —— ℔ 25 3 5
Formaggio lib. —— n.o 317.
A Nattale contadi —— ℔ 28.10

Li predette montagne non sono mai state sublocate ad alcuno dal mio Commune solo la scarezza dei tesol sono soliti pigliare ad affitto dalli SS.ri Consorti del Castello di Tarrenti nostri Confinanti un pezzo di monte chiamato Borgogna il quale payamo formaggio —— ℔ 25 in anno

Li predetti nostri monti non li possono godere per maggior tempo di tre mesi dell'anno in riguardo, che sono coperti di neue per tutto il mese di maggio, et ritornano a coprirsi al principio di ottobre.

Vengono pascolati detti monti dal Greggie minuto del mio Commune, che se crede li tempi puo essere al numero di Capi —— n.o 600
et d'Animali Bouini, et Caualli al n.o —— di 26.

Quello, che li potrebbono affittare detti monti, quando da noi non fossero pascolati io non posso precisamente sapere, mentre come io detto non sono stati mai locati

locati, ma io per mio credere stimo, che per esser altissimo pericolo, con=
finando con sudditi Austriaci, et esposti da esser infestati da Orli, et
luogo al sicuro non li toccarebbero l'amittà di quanto noi paga=
mo ogn'anno alla R.ma Abbatia di moggio come ho detto.

Le nostre investiture per le quali riconoscemo li nostri predetti dalla
R.ma Abb.a sud.a la prima è dell'anno 1362. 9. di luglio più
antiqua, la seconda 1503. 5 di luglio, la terza et ultima 1605
12 di Novembre, le quale tutte presento, affinche il tutto apparisca
chiaro alla Serenità del Prencipe.

Et tanto reffersico io Pietro Colussi sud.o on mio giuramento, et per
quel lume, che ho potutto cauare dall'antique, et moderne
scritture.

S. Giorgio

inuestitura 1605. 14.

Nouembre.

No. 6

[illegible] et
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible] le ceuvre et [illegible]
[illegible]
[illegible]
[illegible] lattre [illegible]
et [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

N.° 5.

Investitura di S. Condure

1594. 3.° maggio.

Ill.mo Sig.r Sig.r P.ron Col.mo

Ricevo dalla solita benignità di V.S. Ill.ma [illegible] gratie
et già hora vedo, come gl'Accidenti di ritornare gl'
Ill.mi Commissarij, senza quali non [illegible]
il negotio concernente de' confini [illegible]
et se non seguisse, tutti li [illegible] pendenti [illegible]
[illegible], et [illegible] Mermaio
[illegible], et [illegible], che [illegible]
dell' [illegible] Rivo [illegible], quelli dell' [illegible]
et il meno [illegible] miglia di longhezza della [illegible]
della [illegible] ai confini [illegible]
[illegible] del Rivo [illegible] della [illegible]
[illegible], [illegible] onde, con
[illegible]
ho detto gl'Ill.mi Ill.mi Commissarij [illegible]
ultim.te li [illegible] hanno acquistato con la [illegible]
forse tre miglia di paesi oltre il Rivo [illegible]
nè vi è [illegible] imaginabile, [illegible]
[illegible], et in così [illegible]
[illegible]
[illegible]
locale non si farà cosa alcuna di [illegible], ne mai si
definirà questo benedetto negotio, che [illegible]
ultima [illegible] de' [illegible]
il mio [illegible].

[illegible] ricevi S. C. Ill.ma et aver il [illegible]
[illegible] mezzano [illegible]
[illegible], et [illegible] che sono necessarijssimi gl'Ill.mi [illegible]
[illegible] [illegible]
[illegible] V. S. Ill.ma della sua lettera [illegible]
[illegible] Ill.ma [illegible] come [illegible] mattina [illegible]
[illegible] nella [illegible] il S.r [illegible]
[illegible]
[illegible] che [illegible]
[illegible] sabbato [illegible] d'esser qui [illegible]
[illegible] lavarmi [illegible] la p.a [illegible]
[illegible] onde spero che V. S. Ill.ma [illegible]
[illegible] quel giorno [illegible]
[illegible] mandare a [illegible]
[illegible]
[illegible] V. S. [illegible]

D. V. S. Ill.ma

[illegible]

[illegible] Porzio.

[illegible] in general [illegible]

Ill.mo Sig.r Sig.re Pron Col.mo

Per il pnte inuio à V.S. Ill.ma le scritture et gl'instromenti che sà, con la risposta del Sig.r Sig.r Emanuel di Moggio, et perciò, che non s'incontra vantaggio per conseguire il nostro intento, che non si può conseguire per mio riverentissimo senso, che con la dep.ne de' Commissarij, che si può far l'instanza appo' S. C. M.tà sia deputato, né habbiamo minimo scrupolo, che li confini siano sotto il tetto della mia chiesa più di 4. miglia al sicuro, che tanto si cava dalle med.e scritture, et anco delli Rotoli più vecchi, et de' Comuni, et Consiglieri, che sono à competenza d'anni fabbricati, et in continuo possesso quieto, et pacifico, né 1609 vi era minima contesa con i Vissani, come si vede dalle decisioni, che con tutti li Comuni del Canale ~~[illegible]~~, ma non con essi. Attendo dalla sua compitezza di V.S. Ill.ma scritta all'Ecc.mo Sig.r Luog.te li suoi ossequiosissimi comandi et che si siano trasmesse le scritture da Vienna, et dispo se in caso sarà deputato il Commissario Cesareo, mentre fine le faccio humilissima riverenza con tutti di mia casa, come fà il Sig.r Alvise Dignis mio Genero, che qui si ritrova per ... , rallegrandomi senza fine dell'aggiustam.to seguito tra V.S. Ill.ma et gl'Ill.mi S.ri Antonini, che tutti de la sua Terra sarà giorno à maggiori segni; Udene 22, 8bre 1665.

Io so, che V.S. Ill.ma ne' tempi passati m'ha comandato con Dominicalismo la supplica, ... et il mio servitio ... farei ogni ... (margin note, largely illegible)

Di V.S. Ill.ma

Dev.mo et humilis.mo Ser.re Gio: Fran.co Pevoni

[illegible]

[illegible] co la

[illegible] portar

[illegible]

[illegible] comi[illegible]

[illegible] et.a

[illegible]
[illegible] marzo.
[illegible]
[illegible]
[illegible]

[illegible] Ballarino Seg.rio

[illegible] 5

[illegible]

[illegible]

alla rovina della Regia de [illegible]

[illegible] Farmacia [illegible]

[illegible]

Ill.mo et R.mo S.r [illegible]

L'ordo prmal.te [illegible] abitare [illegible]
[illegible] Imbasciatore da Vienna [illegible]
ragioni [illegible] ministri [illegible]
[illegible] allungano alla conclusione [illegible]
Lega [illegible], et [illegible]
[illegible] danni, [illegible] è necessario che
venga [illegible] che [illegible] un
mezzo in [illegible]
contentarà [illegible]. — 3 —
[illegible] jesta venire [illegible]
[illegible]
accenderò [illegible] della [illegible]
delle opportunità, acciò [illegible]
communicale [illegible] instruttione
delle ragioni [illegible]

[illegible] ex intellette [illegible]
anno [illegible]

1 [illegible] che [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

2 [illegible]
[illegible]
[illegible] nominata [illegible]
venduta da [illegible]
[illegible] Predi[illegible] [illegible]
[illegible]
[illegible] 158[illegible]

3 Addimando che [illegible]

ragione dell'Abb.a di Rotaino; ma che
sono state incorporate nell'Ill.mi ...
di q.ta di ... p. esser state
d.e Ven.i Abb.e ... come hoggi d'i
acade da un ... Abb.e; et che
d'indi sono stati ... ...
d'usurpar ... d.i monti ... ...
et ... in essi ... che ...
... il ... ... anno
1583 ... ... in
... ...
... ...
... attendono; ma essendo ... anno
1589 concessa facoltà al ... come ...
di ... nell'... ... ...
... , et così ... ...
ai danni, et turbationi ... ...
ai detti ... et ... ...

Li quali io giurono [illegible] [illegible]

3. Da che nacque che [illegible] [illegible] Ribellanti
innalzato [illegible] [illegible] viene dalli [illegible]
[illegible] in quel tempo uno [illegible] [illegible]
et [illegible] [illegible] d'[illegible] ~~[illegible]~~ [illegible]
[illegible] se [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

4 Con quel tempo [illegible] [illegible] assentivo
i Ribellanti dall'innalz[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Ferdinando 2do
[illegible] [illegible] [illegible] [illegible]
[illegible] dal [illegible] [illegible] [illegible]
et dal [illegible] [illegible] [illegible] Residente [illegible]
[illegible] [illegible] [illegible] [illegible], et ciò [illegible]
ordine al [illegible] [illegible] [illegible] [illegible]
et che ~~[illegible]~~ [illegible] forze in quei [illegible]

[illegible] per [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

5 Dicono che [illegible] [illegible] fatto [illegible] 158[illegible]
et [illegible] ad [illegible] [illegible] [illegible] anco
ciò [illegible] [illegible] [illegible].

6 Et adducono che Ferdinando [illegible] comandò
che fusse [illegible] [illegible] [illegible]
dal [illegible] [illegible] [illegible] [illegible]
o [illegible] che [illegible] [illegible] [illegible]
ma che dai [illegible] le è stata [illegible]
la [illegible] di [illegible] [illegible]
l'opera [illegible], et altre [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] le
cose di fatto che allenteranno [illegible]
[illegible] io non ho le necessarie informationi
[illegible] ai Pubblici comandi [illegible]
dare a [illegible] alcun incomodo, ma essendo

tutte cose che si hanno esser saputte

che dai ... mag.co, et dai ...

... a ... Re. mons., come ...

alle tentationi, seguire et allegar...

... e necess.a che

... ne..., et ne... ...

in tutte ... ... che

... ... che

... ... mano ... ...

... piacendo ... ...

... manderò lettere ...

... ha ... altri ..., come

... lettera dalle ... che mio ...

... all' ... ...

... prego, come anco al ... mag.co et altri

... a ... le mani ... mia ... et

augurandole ogni [illegible] e [illegible]

Di L. 3 ottobre 160[illegible]

[illegible]

A quel [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] delli [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible]

[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible] della [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 18, [illegible]
[illegible]

[illegible]

[illegible]

Ill.mo et Ecc.mo Sig.r [illegible]

[illegible] informatione comandate da V.ra [illegible]

[illegible]

Intenire [illegible] [illegible]

della legge del [illegible]

[illegible]

[illegible]

[illegible]

[illegible] interessi

[illegible]

[illegible]

[illegible] consignante

[illegible]

[illegible]

[illegible]

in il [illegible]

indubitata [illegible]

et il [illegible]

de [illegible]

delle [illegible]

[illegible]

L'esse [illegible] [illegible] [illegible] [illegible] fermato ~~[illegible]~~

~~[illegible]~~ [illegible]

Per [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] dall' [illegible] [illegible] all' [illegible]

[illegible] [illegible] l' [illegible] [illegible]

~~[illegible]~~ [illegible] con [illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

concluse nelle [illegible] [illegible] che in legge

[illegible] [illegible] [illegible] [illegible]

dei ~~[illegible]~~ [illegible]

come [illegible] [illegible] [illegible] [illegible] quello affare

nelle risposte ~~[illegible]~~ [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

concorso [illegible] [illegible] [illegible] ~~[illegible]~~

[illegible] [illegible] [illegible] [illegible]

che la legge [illegible] [illegible]

del [illegible] [illegible] [illegible]

~~[illegible]~~ [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] in [illegible]

[illegible] che [illegible] che [illegible] [illegible]

Come lo lecito ad ogni modo [illegible] domestiche
[illegible] sentir [illegible] suo sangue.

Ad ogni modo che [illegible]
potta [illegible] l'avantaggio [illegible]
[illegible] et [illegible] [illegible]
in tutte [illegible] da
[illegible] sangue [illegible]
[illegible] et [illegible]
[illegible] tutti che nella [illegible]
[illegible] et [illegible] et
[illegible]
[illegible] in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] che a [illegible]
[illegible] veder [illegible]
che [illegible]
[illegible]
[illegible] che [illegible] quelle
[illegible]
[illegible], et il [illegible] dal [illegible]
[illegible]

Per [illegible] Falso [illegible]
[illegible]

ancor se [illegible] dia

sudditi veneti come meno addetti [illegible]
angustiati [illegible] se ne fusse a [illegible] ritornar
[illegible]

[illegible] ragione [illegible] avanti ragion [illegible]
[illegible] interdetti [illegible] come
[illegible]; [illegible] che [illegible] inter [illegible]
alta Terra [illegible] ne [illegible]
ragione [illegible] in quella [illegible]
se così [illegible] [illegible] [illegible]
[illegible] il [illegible], et
[illegible] Confini, [illegible] che [illegible]
[illegible] Stato [illegible] nulla
importa, [illegible] [illegible]
[illegible] [illegible] Padroni
indubitati di quelli;

[illegible] che [illegible] loro [illegible]
[illegible] [illegible] che [illegible]
[illegible] intieramente uno, o [illegible] de [illegible] sudditi
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible], [illegible] che [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] che [illegible]
maxima [illegible] Stato, et [illegible]

che so detta [illegible] di [illegible] quando in
[illegible] [illegible] altre ragioni [illegible]

Quanto al 2do che [illegible] [illegible] furono
[illegible] di ragione [illegible] [illegible] l'[illegible]
sopra l'[illegible] anco [illegible]
imperial [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] compreso [illegible] [illegible] [illegible]
[illegible] [illegible] l' [illegible]
[illegible] [illegible] [illegible] tempo

che [illegible] anco [illegible] e vero che [illegible] comando del [illegible]
[illegible] [illegible] [illegible]
[illegible] l'anno 1588 [illegible] [illegible]
morti, essendo [illegible] [illegible] quel tempo
[illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible]
~~[illegible]~~ [illegible]
[illegible] ~~[illegible]~~ ~~[illegible]~~
~~[illegible]~~ [illegible] [illegible]
Per [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] a altra parte, et ritornato [illegible]

[illegible]

[illegible] et [illegible] il [illegible]

[illegible] come [illegible]

[illegible]

[illegible]

[illegible]

A far Pace, et trauagli [illegible] gli [illegible]
[illegible] dai Medesimi, li Vescovi
assolutamente [illegible] mai fa[illegible], et [illegible]
~~[illegible]~~, onde conuien credere, et
dire che [illegible] ~~[illegible]~~, ~~[illegible]~~ [illegible]
[illegible] si tratta di Confini [illegible]
[illegible] questi ~~tempi~~ ~~[illegible]~~ [illegible]
sono contenti [illegible] amicabilmente
[illegible] Presentate [illegible] [illegible]
[illegible] conuien dire che [illegible]
[illegible] li Vescovi [illegible]
[illegible] [illegible] [illegible]
o trauaglio [illegible]
[illegible] da un [illegible] et le
vantaggio, come si vede dal [illegible]
[illegible] [illegible]
[illegible] [illegible] a Cattolici [illegible]
[illegible] [illegible] integro, et
l'aperto;
[illegible] il 6° [illegible], [illegible] [illegible]
[illegible] mente regnaua [illegible]

3°. il cap.° ... [illegible]

monte ... [illegible] acquistato ... [illegible]

in un tale ... [illegible] anni dall'

... [illegible] che si mandò ... [illegible]

... [illegible] consulto ... [illegible]

et ... [illegible] ... non constava ... [illegible] contratto che

... [illegible] tutte ... [illegible]

anche ... [illegible] , ... [illegible]

... [illegible] mente ... [illegible]

... [illegible]

... [illegible]

... [illegible] intende ... [illegible]

... [illegible] cose ... [illegible]

possedono ... [illegible]

... [illegible]

... [illegible] contro ... [illegible]

... [illegible]

tutti ... [illegible]

et ... [illegible]

... [illegible]

... [illegible]

Una Visione [illegible] fatta dagl' Em.mi Sig.ri
Cardinali [illegible] quelli tempo a quei
siti, et altri, dalla qual vedrà
[illegible] all' [illegible]
[illegible]
[illegible] Consigli
il [illegible]
[illegible] il Rmo [illegible]
[illegible] a punto nell' [illegible] primai
[illegible] fabricata, [illegible]
[illegible]

Et la [illegible] fatta dai medesimi
Em.mi Sig.ri Cardinali [illegible]
[illegible]
et renda [illegible] veda,
[illegible] Ministri
[illegible]
[illegible], et
[illegible] quelli
evidenti [illegible]
[illegible] e l' [illegible]

[illegible] Ser.mi [illegible] [illegible] [illegible]

[illegible] [illegible] consiglio

Quelle [illegible] [illegible] [illegible] [illegible]

bastare [illegible] a disfaggare [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

che il [illegible] della [illegible] [illegible] Perche

non è mai in [illegible] tempo stato

contraditto ~~[illegible]~~

[illegible] tutto ciò non basta [illegible] non [illegible] nel

altro modo che [illegible] l'riddur [illegible] alla

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] che [illegible] [illegible]

[illegible] avvantaggiare [illegible]

sua Causa, et [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible] 1607 [illegible] potrebbe

in [illegible] [illegible] [illegible] [illegible]

[illegible] all [illegible] [illegible] in [illegible] [illegible] [illegible]

[illegible] quel tempo, et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] fine il trattato.

[illegible] materia [illegible] [illegible] [illegible] e di consequ[illegible]

Perche se la [illegible] [illegible] [illegible] in ragione

[illegible] [illegible] Pietro [illegible]
[illegible] ragione in [illegible]
[illegible] [illegible] fabricio
[illegible] in tempo di
pace et di guerra [illegible]
[illegible]
[illegible]

[illegible]

[illegible] humilissimo [illegible]

[illegible] [illegible] [illegible]

248/20

Scritture diverse in materia dei Confini tra la Ser.ma Rep.ca et Imperio scorse sino à Febraro 1723

[illegible]

[illegible]

[illegible]

[illegible] . 603. 2. Maij D. Christophorus del [illegible] et D. [illegible]
[illegible] pro annis [illegible]
[illegible]
[illegible] annuo
ducatorum 70 [illegible]: his pactis, et conditionibus [illegible]
[illegible] omni stipulatione firmatis, ut dictum [illegible]
[illegible] conductas aptari facere, quodque pecunia ab eo [illegible]
[illegible] illi debentur in fine ultimi anni et [illegible]
[illegible] locationis [illegible] sed solum ad [illegible]
[illegible]
[illegible] conductor pati debet in [illegible]
[illegible], custodiam [illegible], utque supra in d.^ta locatione [illegible]
[illegible]

[illegible] Anno 1607. 12. octobris locatione [illegible]
[illegible] Josepha, [illegible] nomine, [illegible]
[illegible]
in annum, pensione aucta ad ducatos 20 [illegible]
[illegible] [illegible] usum
applicare vellet, pactoque annexo, quod dictus conductor [illegible]
forma de qua in locatione [illegible]
[illegible], possit: [illegible]
ad illamque [illegible]

[illegible] praefatarum locationum [illegible], D. Antonius, non solum [illegible]
anno 1603. 2. Maij usque ad [illegible]
inhabitavit [illegible] in ea, quae ruinam minit [illegible]
[illegible]
[illegible], reparando, ac custodiam faciendo. [illegible]

[illegible]

[illegible]

[illegible] pro [illegible]

[illegible]

Unde cum pauperrimo omnium, [illegible] quod [illegible]

[illegible]

[illegible] ipsa fide in fidibus [illegible]

[illegible] consumpsit ad formationem processus [illegible]

[illegible] Adeo ut merito sit [illegible]

[illegible]

[illegible]

[illegible] conditionis [illegible]

[illegible]

[illegible] pro [illegible], nam et [illegible]

[illegible]

[illegible] facti specie, [illegible]

[illegible] quantum expensus, scilicet [illegible]

[illegible] iuxta formam [illegible]

[illegible] ad 14. ad quod [illegible]

[illegible] fundamento.

Primo autem forma [illegible]

[illegible] quare inter [illegible]

[illegible] secundum [illegible] debent [illegible]

[illegible] num. 13. [illegible] qui admitti, tum quia [illegible]

executionis instrumenti, et contractus, [illegible]

[illegible]

[illegible] 3.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ad illum contra [illegible]

[illegible] ita ut [illegible]

[illegible] et quenim in tantum, ut optime [illegible]

[illegible] expellit intelligi. De [illegible]

[illegible]

[illegible] et [illegible] verbis supra [illegible]

[illegible] diversam interpretatione [illegible]

[illegible] et supra [illegible]

[illegible]

[illegible] sua numerum [illegible]

[illegible]

[illegible] in vos aptanda, alios [illegible]

[illegible]

[illegible]

[illegible] necessario distinguendo [illegible]

[illegible] admittitur, sequentur [illegible]

[illegible] praescripti [illegible]

[illegible]

[illegible] maxima [illegible]

[illegible] ducatos 12 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

... expensas contrariorum. qui hoc diminuunt ... in summario liquet, dicentes, requisitum repetere ... expendit, et ne quantitatem integram ... hic expendita in meliorando, repetuntur ab ... statuto, ex pacto etiam debita ...

... quatuor ... de qua petitum quantum ... concludendo, ac terminandum ...

Primum, omnia, et singula melioramenta, ... nomine ... data Fol. 13 illo eodem anno ... sunt nominata; ...

Primo, quia personae ... quae ea construxerunt ... antitate meliorramentorum; deponunt ... primus Fol. 28 Secundus Fol. 29. ... tertius Fol. 30 ... et quartus, Fol. 31. qui omnes ... dictis melioramentis manum ...

... quia ... ad electionem aestimatorum ... liquidantur ... dictos ... facti, ... in ...

[illegible]

[illegible]

[illegible] cessaria ut ex conditione sua [illegible]

[illegible] ad [illegible]

[illegible] [illegible] enim [illegible] ~~[illegible]~~

[illegible]

[illegible] cuens, et commoditati [illegible]

[illegible]

[illegible] necessaria extant [illegible]

[illegible]

[illegible] tur, si [illegible] mediantibus [illegible]

[illegible] centum, ut [illegible] [illegible]tur, [illegible]

[illegible] cognitari vellet, a [illegible] iam [illegible]

[illegible] etiam ille modo [illegible]

[illegible]

[illegible] in contrarium dicat [illegible]

27. [illegible] tamen fuit [illegible]

[illegible] fuit [illegible] ~~[illegible]~~ in [illegible]

[illegible] cam, domuncula sua [illegible]

[illegible]

[illegible]

[illegible] 36. [illegible]

[illegible] cunt, si in vitam a [illegible]

[illegible] nium data [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Allegationes Nob. D. Comitis Caltani[illegible]

a Porta in ca

cum

Heredibus Patris de [illegible]manica.

Non est quod [illegible]

[illegible]

[illegible] effectum

[illegible] [illegible]ietatis

mei Nepotis; ceterum remitto summę virtuti,

et prudentię [illegible]issimi [illegible] mei, .

Et ut hoc appareat, dicam, quod

[illegible]

[illegible] Nobilissimę et antiquissimę familię,

obijt tandem [illegible] ibique relictis [illegible]

masculo, et compluribus filiabus omnibus

a minori ętate constitutis; [illegible] Patri

ex decreto iustitię tunc temporis [illegible]

extracte, dotes filiabus fęminis; in extrac-

tione autem, et in [illegible] iuribus facul-

tatis non fuit habita in consideratione [illegible]

quędam a comuni [illegible]

[illegible]

[illegible] intercesserit [illegible] non [illegible]

[illegible] eis molestabit: [illegible] notum

[illegible] [illegible]anus masculus

[illegible]

[illegible] quere [illegible]

sorore: Hec nupsit q. D.no Joanni à Porta

Fratri meo, et cum eo suscepit Nob: D.num

Comitem Caetantium Aretorem; Unde ab eodem

citra opus fuit Fratri meo, et post [illegible]

mihi soluere Annua nedum decurrenda, verum

etiam decursa usq: ad francationem, quam

iam annis decem fecit, adeout D. Jo: Caetan=

tius remanserit Creditor D.ue: a 500, et

ultra, ut colligitur: ex solutionib: et fran=

cat.e: ab ipso factis

Exabat: interim et à Nobb: DD. Francisca,

[illegible] etania [illegible] pro alio capitali

[illegible]

tandem deuentum fuit

ad transactionem: in qua DD. Paulitij

succubuerunt, ut in ea, et obligati

remanserunt ad ipsum D. Cp: Caetanum

[illegible]

orores [illegible] ...

[illegible] eius hauito prouidendo eius

indemnitati, et ut subleuaretur ab antelat.

[illegible] promouit instantiam contra Heredes

[illegible]

[illegible]

[illegible]

debitoris, ut in Proc: fol. 77. Contra

instantiam D. Octauij ex [illegible]

erecti, obiecta in primis fuit exceptio

[illegible]

40 annorum: et ultra; et exhibito Processu

[illegible], ea ad iudicandum fuit reiecta, ut in

[illegible] fol. [illegible]

in merito causae, et tandem [illegible]

Processu ad expediendum, sententia lata fuit
ad [illegible]
remansit confirmata [illegible]
[illegible] dictorum iudicum D. Petruccius habuit
[illegible]
[illegible]
[illegible] D. Comes Sartanetus creditor, ut
[illegible] Dne: adhuc ultra [illegible] ex eadem
causa, [illegible]
concurres Bonisque eiusdem Dni Marquardi
creavit prius in iud.° Novo: DD. heredes
[illegible]; et Excell.^ti D. Georgii Franceschinis,
et porrexit contra eos libellum, de quo in
[illegible] expedito [illegible] in
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
serunt, ut in Proc: fol: 33: Tandem
[illegible] Barovcardi
vocati ad iudicium ab [illegible]
ut eos subleuarent, uisis iuris [illegible]
[illegible] censuerunt, ut fol: 112 b°
[illegible]
[illegible]
ut ex eadem causa petierunt condemnari
ad relaxat.m unius terrenae posit. in [illegible]
Merethi, ut in Proc: fol: 6°; et cum ex
parte Rer: exhibitus fuisset Processus ad
interloquendum sup. except.e Praescriptionis [illegible]
[illegible] ad impediendum [illegible]
sententia lata fuit non obstare, ut fol: 147
Tandem: cum in meritis causae R.R: Rea
conuenti [illegible] non possent, fuit transactum,
ut in Proc: modo formato cum Heredibus
[illegible]
[illegible]

hā bona ultra relaxatā de iur. [illegible]

[illegible] eius [illegible]

prouocauit [illegible] ut

[illegible]

parte eius crediti; et cum fati fuerant

[illegible] de

iurib: dni Iusanq; [illegible] confirmare fecit

[illegible] cum [illegible]

ante eius mortem ab [illegible]

[illegible]

[illegible]

[illegible]

[illegible] heredes fabri possint conten=

dere relaxat., cum id, ut dimisi, in hoc

eodem iudicio [illegible]

[illegible] fuerit iudicatum, et millies iudicari

[illegible] deberet, eo quia clare patet de

fideicom. D. Caetani eius Aui materni

et fol. 77 t. de molestia [illegible]

[illegible], et de solutionib: inde factis, ut

fol. 22 et 29 de identitate [illegible]

et de omnibus aliis ad obtinendum [illegible]

ut late in Proc

Tunc testibus [illegible] et [illegible] iudicato

iam secuta, sententia ferri debet absq[ue]

dubio pro D. Actore). [illegible]

[illegible]

[illegible] [illegible] 1606, quia [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible]
crediti [illegible] si [illegible] [illegible] usq. mali [illegible]
hoc in oro [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ac [illegible]
[illegible] intra nominan [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] insignem
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Lacdannius [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] 1605 [illegible] [illegible]
[illegible] D. [illegible] [illegible] a Roma [illegible] 1600
[illegible] [illegible] a anno 1625 [illegible]
[illegible] [illegible] [illegible] [illegible] D. [illegible] [illegible]
[illegible] [illegible] ut ea [illegible] 22 [illegible]
[illegible] [illegible] usq. in [illegible] [illegible] anni 37. in [illegible]
[illegible] in anno [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ea [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] anni
[illegible] [illegible] 2400 [illegible]
In [illegible] [illegible] [illegible] crediti [illegible] a [illegible]

p.o a d(omi)no Joannis Sanbii medalan [illegible]

fol. 98 compositionis diversis [illegible]

et 231. Ind[e] recepit a d(omi)no Dinaldis medalani

fol. intus transactionis 677. nam bona [illegible]

a d(omi)no [illegible] [illegible] [illegible] anno 1608

ac p. d. Marguerite [illegible] [illegible] [illegible]

[illegible] intus fol. 3. [illegible] [illegible]

a[illegible] [illegible] bonis [illegible] quod no[n] contingit

d. f. [illegible] m. 677. l. medietas et 1333

[illegible] [illegible] [illegible] remanet [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] fuerit [illegible] ex [illegible] [illegible]

ex fid.o [illegible] [illegible] [illegible] eius in [illegible]

[illegible] in hoc [illegible] [illegible] [illegible] [illegible]

quod E. d. [illegible] [illegible] credit de [illegible]

maioris summe [illegible] [illegible] [illegible] [illegible]

fol. 96 ex [illegible] [illegible] fol. 6[illegible] [illegible] [illegible]

[illegible] fol. 9[illegible] ex [illegible] pro [illegible] medietas

medietatis [illegible] [illegible] [illegible] [illegible] intus in

[illegible] [illegible] [illegible] a d. [illegible] [illegible]

[illegible] [illegible] [illegible] 900 [illegible]

et ex supra consideratis [illegible] [illegible] [illegible]

est quod adhuc remanet creditor [illegible] 1500 ex

nec non est verum quod mediante instrumento [illegible]

transactionis fuerit satisfactus.

[illegible] [illegible] [illegible] heredes non [illegible]

bona que relaxavit D. Julia Francischini

quia respondit quod ipsa nil habuit [illegible]

illa habuit D. Susanna [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

ad [illegible] [illegible] [illegible] [illegible] [illegible] D.

[illegible] Paulini [illegible] [illegible] [illegible]

D. [illegible] [illegible] in [illegible] [illegible]

[illegible] exburs[illegible] [illegible] D. [illegible]

[illegible] [illegible] [illegible] de quo [illegible] diximus.

[illegible] [illegible] quod [illegible] in [illegible] nulla sit

[illegible] in facto [illegible] [illegible] [illegible]

[illegible] D. [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]

[illegible] heredes [illegible] bona [illegible] [illegible]

[illegible] ad favorem D. Octavij [illegible]

[illegible] [illegible] 3°

…rua ligant Homine. [illegible]
in Proverbijs; Verum omnes [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
… ego [illegible]
[illegible]
Castra Uniuersitas ipsa [illegible]
… [illegible] … [illegible]
… debebat [illegible]
[illegible]
[illegible]
[illegible]
Modo [illegible]
[illegible]
[illegible]
materia substantia [illegible]
Possessus Bonorum [illegible]
[illegible]
[illegible]
Haec Reintegratio Possessionis e[illegible]

[illegible] ex Partitis [illegible]

[illegible]

[illegible] de aqua [illegible]

[illegible]

pariter [illegible]

[illegible] et multis modis [illegible]

[illegible]

quaest: [illegible], ex cap. ad [illegible]

[illegible]

solvendi, ut legitur ex Partitis:

[illegible] quo ad Pattinas [illegible]

[illegible]

Pari modo, et hoc idem fuit post [illegible] omnes illius Universales haeredes &c.

[illegible] esse cognomen, eo Vicinaliter est confessus d. D. [illegible]

[illegible]

[illegible] exceptionem, [illegible]

Mendax negativus [illegible]

Antonii Vantorini, et nos praefuerat, eo quia [illegible]

[illegible]

[illegible]

quia et ipunat dixit [illegible] orat: lib. [illegible]

[illegible] graue argumentum [illegible]

[illegible]

[illegible] et adere [illegible]

Mendacia ex dispositione [illegible] Mendaci [illegible] debent [illegible]

[illegible] ex confidentia [illegible]

[illegible] quae [illegible]

eod. tit. [illegible]

quo causam habet de Mendatio [illegible] conuictus fuit D. Alexius [illegible]

[illegible] conatu temporis [illegible]

[illegible]

[illegible]

[illegible]

[illegible] lxx. [illegible]

[illegible]

Quo ad Confinationem [illegible] esse [illegible] disceptare in hoc [illegible]

[illegible]

[illegible] Tanto [illegible]

[illegible]

[illegible] cuius [illegible] probare [illegible] ex Procell [illegible]

ipsius Probationem [illegible] tempus [illegible],
sed debent probari [illegible] qualitates necessarie
[illegible] Fides [illegible]

~~[illegible]~~

[illegible] a lege
[illegible] in gloss. in cap. Cum [illegible] de

[illegible]

[illegible] ex exceptione [illegible]

[illegible] sibi locum vendicare posset in hac [illegible]

[illegible] quemadmodum tractatus de [illegible]

[illegible] Domini [illegible]

[illegible] DD. in l. fin. C. de agric. [illegible]

[illegible]

Considerandum etiam quod dominus Alexius habuit [illegible] Bartholomaei Antonini, et Clarae [illegible] Porcellae [illegible] haeredem dicti domini Fra[illegible]

[illegible] Sic
[illegible] et [illegible]
[illegible]
fuit Dec: 13484 ut in calce ipsius:
[illegible]
[illegible] in prime:
[illegible]
Bart: et Angel: ac [illegible]
[illegible]
[illegible]
[illegible] in qua [illegible] perciebat [illegible]
dolose, et valentes a voluntate [illegible], sive
[illegible]
[illegible] de praescripti:
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ff de Relig:, et
[illegible] Bart: de
[illegible]
[illegible]

firmari contra quod nullo amore [illegible] Praesent
[illegible] Iacta [illegible]
Dmus Alexius ex ore Proprio d[illegible]
ad ipsemet sibi attulit eoq magis, ad
de [illegible]
et Probatus ne d.S Possessor [illegible]
Vend et Haeres debitoris.)

[illegible]

... di Testimonii esaminati ... nostrato
comprovato a ... Rev.ma ... al Sig.r Cancelliere ...
... la veracità della Suplica della ...
Comunità di S. Vito mentre hanno veduto, che la
Camarena ... il ... Nicolas ...
... parte e comercio ...
loro li confini Territoriali et ...
consistenti in ... conspicue ... con l'inser...
...

in tutto et ...
sicome sono autenticate dal corso de' ... et ...
... dell' Officio di ...
... con restano in vantaggio ... da una
... di scritture, ... hora si presentano
mentre queste ... morrano
... la Camp... ... uerari ...
e ... Servitor et Giuridizione di S. Vito:
Dissi la Camarena ... della Camarena ...

tratto [illegible] scorporava

una parte d'essa [illegible]

medesima, quello [illegible] che ha da giudicar

della parte, [illegible] essendo

correlativi una con l'altra;

Per comprobatione che la Campagna [illegible] et giurisdizione di S. Vito [illegible] un com-

promesso [illegible] vol. 2 et [illegible]

l'anno [illegible]

et [illegible] ancora [illegible] Valvasone [illegible]

~~[illegible]~~ [illegible] tra

S. Vito e Valvasone [illegible]

V. [illegible] un altro compromesso 1427 [illegible] vol. 114

et [illegible] ~~[illegible]~~ medesimo [illegible]

[illegible]

[illegible] comme si [illegible] dalle parti [illegible]

la [illegible]

[illegible] comman [illegible]

o Capitello sopra [illegible] con [illegible]

di [illegible] altri [illegible] vicino [illegible]

et [illegible] comunità [illegible]

dichiarando della parte di campagna di [illegible]

[illegible] furono proprie et particolari [illegible]

l'altra [illegible]

et [illegible] di quel luoco

sono in [illegible] le locationi per camminare con [illegible]

[illegible] delli tempi 1480 [illegible] 1481 [illegible]

[illegible] 1481 12 marzo [illegible] 1483 29 maggio [illegible]

1520 [illegible]

di [illegible] a diversi [illegible] quali tutti chiaman

[illegible] confini la campagna [illegible] né mai

si fa alcuna mentione [illegible] di Sesto

[illegible] oltra [illegible]

[illegible] et giurisdittione dell'Abbatia di Sesto [illegible]

[illegible] in cui [illegible] nominato [illegible]

[illegible]

[illegible] hanno mai fatto [illegible]

sono stati nominati [illegible]

[illegible]

in tutti i tempi dai Sig.ri Consorti Salvazoni anzi dal Ill.mo Sig.r Luogot.e [illegible] mentre lui si vide, et l'Anno 1427 scrive et obligo [illegible] dalle Parti come sopra a terminare et stabilire li Confini divisorij in d.a Campagna.

Vi è inoltre un atto notabiliss.mo et degno d'esser osservato [illegible] 1490 [illegible] nel quale si legge che erano stati [illegible] alcuni [illegible] di Casarsa [illegible] commissione [illegible] mentre tra [illegible] lavano [illegible] [illegible] questi ricorsero all'[illegible] [illegible] riconoscere li luochi delle [illegible] condussero [illegible] sopra essa Campagna ~~con quelli di Salvazo[illegible]~~ ~~dal [illegible]~~ et ridotti al confin delle [illegible] avanti [illegible] Capitano di [illegible] confessorno tutti [illegible] erano di [illegible] ~~[illegible]~~, et che ivi erano li confini divisorij fra li Sig.ri Consorti di Salvazon [illegible] mentre nel atto [illegible] questi [illegible]

[illegible] hanno [illegible]

[illegible] camminando [illegible] [illegible]

[illegible] [illegible] sunt [illegible]

inter [illegible] [illegible] [illegible]

[illegible] et Communità [illegible]

[illegible] quelli di [illegible] [illegible] [illegible]

[illegible] riconoscendolo, et con[illegible]ndolo [illegible]

[illegible] et come [illegible] [illegible]

[illegible] atto.

[illegible] di più un altro [illegible] [illegible] la terra di S. [illegible]

et il Commune di S. [illegible] di [illegible] [illegible] [illegible]

[illegible] Dal Commune [illegible]

[illegible] restrittione [illegible] [illegible] campana [illegible]

[illegible] et viene obligato a contribuir 90 [illegible], et

[illegible] ponti in oltre, [illegible] la [illegible] di [illegible]

d'essa terra et [illegible] [illegible] [illegible]

[illegible] la Giurisditione et Dominio sia reservato a Monsig.r [illegible]

Patriarca et [illegible] [illegible]

che sono intervenuti

[illegible] tutti questi ragionamenti [illegible] [illegible] [illegible] [illegible]

[illegible] 1542 [illegible] [illegible] [illegible] occasione [illegible]

Divisori in [illegible] [illegible] [illegible] un atto [illegible]

medesima con [illegible] [illegible]

la ~~[illegible] [illegible] [illegible] [illegible]~~ [illegible]

[illegible] causa [illegible] [illegible] [illegible] fra [illegible] et [illegible]

i quali appar.te mostrano con gl al.ri, et questa campa[illegible] [illegible] communali furono [illegible] della [illegible] communità di [illegible] et non di Gasarra

Proclama et Bandi dei suoi communal fatti in tutti i tempi dai [illegible] Consorti di [illegible] et in particolare gl anni 1602 a 2 Giugno [illegible] et 1602 [illegible] [illegible] [illegible] [illegible] [illegible] non altri chiamano [illegible] la terra et communali di [illegible] [illegible] ne mai fanno mentioni senza [illegible] [illegible]

[illegible] inoltre il privilegio del [illegible] [illegible] [illegible] [illegible] 1600 [illegible] [illegible] [illegible] [illegible] concesso al Commune di S. Zuane di Ga sarra, nel quale gl [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tutta [illegible] il [illegible] [illegible] [illegible] loro [illegible] [illegible] [illegible] et [illegible] in cui questa Villa non ha altra ragione [illegible] di communare;

[illegible] di più il privilegio del [illegible] [illegible] [illegible] [illegible] [illegible] il quale [illegible] [illegible] chiam[illegible] [illegible] della [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] con [illegible] [illegible] non [illegible] Gasarra [illegible] non [illegible]

intermedia in alcuna parte et però non [illegible] qual
al sig.r collaterale co' ordine d'un privilegio
prezz.o l'anno 1609 gli venne clandestinam.te al
[illegible] habbia tentato di voler turbare [illegible]
[illegible] et invadere il d.o territorio con [illegible]
~~[illegible]~~ di occuparlo et [illegible] [illegible]

[illegible] sta stato dal commun.e di [illegible]
territorio pred.o [illegible] imposto sebben li roberto [illegible]
come [illegible]
1609 [illegible] mai l'hanno [illegible] ne mai [illegible]
[illegible]

Vengono in questo osservati ed aliter [illegible] [illegible]
[illegible] mai [illegible] Beni de [illegible]
[illegible] ne mai l'hanno fatto

[illegible] incaricati ad [illegible] non siano [illegible]
communali ne mai hanno [illegible] [illegible]

Le ~~[illegible]~~ viene data facoltà di [illegible] la terza parte [illegible]
anzi hanno obedito [illegible] Bandi
[illegible] uso [illegible] ne mai [illegible] ne [illegible]
[illegible] mai hanno [illegible] alcun atto [illegible]
[illegible] fussero [illegible] campagna come [illegible]
onde non [illegible] [illegible]
[illegible]
non [illegible] ~~come~~ haversi [illegible]
[illegible] l'[illegible] [illegible]
pretesto [illegible] quali [illegible] fatto [illegible]
in questa [illegible]
Potevasi il Comm.e [illegible] [illegible] [illegible]

[illegible] della Terra [illegible]

ma anco della [illegible] ma non gli ò potuto [illegible] dar

la ragione a chi si sia, venendo sempre [illegible] i

privillegii [illegible] pregiuditio [illegible] ragionar, et

Ill.mo Dominij [illegible]

Onde il valore [illegible] intelletto concetto senza pregiuditio dell

altrui ragioni [illegible] mai [illegible] con l'opinione [illegible]

et erettione [illegible] in [illegible] per provar la Terra

[illegible] il suo [illegible] et Monsig. Ill.mo Padre della

sua [illegible]

[illegible] di tutti i [illegible] si presentan gl'

atti fatti 1623 [illegible] 1624 [illegible]

[illegible] alunas [illegible]

[illegible] intorno [illegible]

~~[illegible]~~

~~[illegible]~~ con quelli [illegible] anno 1609

furono [illegible] ~~[illegible]~~

~~[illegible]~~ in [illegible] accordo ~~[illegible]~~ [illegible]

[illegible] altra a [illegible] ~~[illegible]~~

dalli Ill.mi et Ecc.mi [illegible]

et [illegible] coltivato ~~[illegible]~~ [illegible]

[illegible] notabili [illegible] si vedono con [illegible]

[illegible] et furono osservati

da [illegible] [illegible]

Et il bel l'accordo [illegible] vede [illegible] la terminatione
di [illegible] non [illegible] segue [illegible] all'altro
[illegible] mentre anzi [illegible]
[illegible] col lasso ~~[illegible]~~ [illegible]
[illegible] tacendo [illegible] contradicendo [illegible] communi [illegible]
[illegible] più [illegible] communi [illegible]
[illegible] ~~[illegible]~~ [illegible] il [illegible]
~~[illegible]~~ [illegible] et giurisditione di [illegible]
[illegible] Anno [illegible] ~~[illegible]~~
[illegible]
a [illegible] alla [illegible]
[illegible]
[illegible] havendo [illegible] firmato [illegible]
[illegible]
[illegible]
Et [illegible] dopo [illegible]
[illegible]
ad ogni modo [illegible]
[illegible] con [illegible]
con [illegible]
[illegible] privilegii del [illegible]
[illegible]
con le [illegible]
confirmato [illegible] ~~[illegible]~~

[illegible] li confini [illegible] nell [illegible]
Guardalone di [illegible]

Alla continuatione del commune [illegible] medesimo [illegible] batta nella [illegible] delli luochi [illegible] per la [illegible] relatione di [illegible] mentre [illegible] confina, come [illegible] Vicario [illegible] felicità della sua memoria haverà rimemoranza.

[illegible] li confini [illegible] fra [illegible] et Valuasone sono [illegible] tali

Il [illegible] di [illegible] commune [illegible] incorporata [illegible] incorporata a la [illegible]

[illegible]

Del confine chiamato [illegible] Forcale [illegible] alla Blona [illegible] [illegible] pochissima [illegible] al commune [illegible] incorporato

[illegible] rogatione [illegible] sopra l'acqua della [illegible] cantaser [illegible] piantarvi un altro [illegible] medesimo [illegible] per arrivar alla prima Blona di confini [illegible] quello è confin chiamato [illegible] Forcal [illegible] ai [illegible]

[illegible] Comunità di [illegible]

dette Compagnie [illegible] Particolari [illegible]
[illegible] et stragono [illegible] [illegible] 39
[illegible] processioni a [illegible]
[illegible] il far croci [illegible]
et piantarne d'altre [illegible] sono [illegible]
[illegible] Territorio [illegible] simili [illegible]
si tolthon [illegible] nell altrui, ma sopra il [illegible]
Ne qui si può dire [illegible] le
[illegible] trascurar [illegible] occorre [illegible]
il commune [illegible] nostra [illegible]
imperò sono anzi instruiti annuali [illegible] con solen
nità processionali et [illegible] mantenimento [illegible]
[illegible]
~~[illegible]~~ [illegible]
~~[illegible]~~ [illegible] siano [illegible]
[illegible] secondo [illegible] in questo [illegible]
~~[illegible]~~ [illegible]
[illegible] quelli [illegible]
la Mag.ca communità di [illegible]
~~[illegible]~~ no [illegible]
l'Abbatia [illegible]
[illegible] io di [illegible] andar
[illegible] memorando [illegible]
Vi si legge prima un'altro [illegible] 39 [illegible]
[illegible] un tal [illegible]
[illegible] licenza [illegible]

campagna ...
Ev'è un altro 1448 23 di Maggio, ... nel quale
... Carminavo ...
... Guarè di ...
offerto in faccia sopra la ... nel luoco chiamato
il Borgo ... Aluaroni ...
... millima ... territorio et Giurisditione di ...
... alcuni ... stato ... arrobbi ... contro
alla Giurisditione et off.o ... et non ...
... una notabilissima ...
... condannarono
alla nova ...
... come ladri et ...
apparenn al ...
S. ... Aluaroni ... sinistro ...
... concorso ...
comi ...
Ho ... l'atto ... nel quale appare
che quelli anno ...
... l'off.o di ...
che si degnasse donare ad alcuni suoi ...
erano stati ...
... et luoco della ...
era il dominio et Giurisditione di ... ridotto

il consiglio [illegible] uomo [illegible]

Alla [illegible] altro supplicio [illegible]

[illegible] fol. 26 [illegible] nel qual si [illegible]

[illegible] [illegible] dell [illegible]

alla morte [illegible]

dello Comunale Territorio et Giurisdizione [illegible]

[illegible] le [illegible] sotto [illegible]

in [illegible] sentenza [illegible]

[illegible] s'aggiunge un processo criminale [illegible] 12 [illegible] fol. 40

nel quale [illegible]

alla [illegible] del [illegible]

[illegible] quelli [illegible] processo et [illegible]

[illegible] dal Commune di [illegible]

contro [illegible] Commune [illegible]

[illegible]

confessa [illegible] non [illegible]

[illegible] ma solo [illegible]

[illegible]

continua [illegible] 30 [illegible] di rimettere [illegible] al luogo contro

[illegible]

[illegible] fol. 21 [illegible]

[illegible]

nel luogo [illegible]

[illegible] Giurisdizione di [illegible]

Monsig. Ill.mo [illegible]

[illegible] Commune di [illegible]

[illegible]

Li quali [illegible] per [illegible] la giurisditione [illegible] l'anno
1525 [illegible] fol: [illegible] mentre haueuano [illegible]
al [illegible] D. Giacomo Zeno nella [illegible]
[illegible] bandita nel loco chiamato [illegible]
[illegible] Falci [illegible]
[illegible] onde [illegible] Garzaria con
[illegible] fol: 35 [illegible]
[illegible] la restitutione delli [illegible]

[illegible] Anno 1525 [illegible] mentre [illegible] medesimi [illegible]
[illegible]
[illegible]
[illegible] con [illegible]
[illegible] [illegible]
[illegible] fol: 82 [illegible]
[illegible] libro [illegible] in riguardo di [illegible]
[illegible]

Anno medesimo [illegible] 12 [illegible] [illegible] di [illegible]
[illegible] hauer [illegible] [illegible] con
[illegible] [illegible] supplico [illegible]
[illegible] [illegible] condannato [illegible]
dal [illegible]
[illegible]
[illegible]

Anno 1527 2 marzo [illegible]
[illegible]
[illegible] di Paulo di [illegible]
[illegible] con [illegible]
[illegible]

~~verso lo Stato di Casarsa~~, et l'altro et un'altro [illegible]
[illegible] verso [illegible]
all'uno per ciascuno un [illegible]. Et [illegible]
[illegible] tutti. Et siccome [illegible]
in detti [illegible] così non puonno esser per modo [illegible]
[illegible] o [illegible], de co quali
huomini [illegible]. Et commune di Casarsa [illegible]
~~[illegible]~~ 1542 22 [illegible]
dall'Officiale [illegible]
[illegible] per [illegible] ritrovati nella [illegible]
[illegible] contro la forma dei Proclami
[illegible] come in detto atto.
Et tutti questi atti Giurisditionali [illegible]
[illegible] Et [illegible] Podestà [illegible]
di Casarsa l'Anno 1542 22, [illegible] accompagnato [illegible]
molti huomini del detto Commune [illegible]
et [illegible] querella [illegible] Pietro [illegible]
di Casarsa [illegible] come [illegible]
[illegible] Giurisditione [illegible] Casarsa [illegible]
turbando [illegible] autorità [illegible]
[illegible] delli [illegible]
[illegible] di [illegible]
[illegible] et [illegible]
restituire l'Animali [illegible] anni
Dal qual Processo [illegible]
[illegible] di [illegible]
[illegible]
seguì un'atto Giurisditionale [illegible] contro [illegible]
di Casarsa [illegible] chiamarsi, et [illegible]

et loro i requestarono ... et renunciarono ...
conservando di cotal maniera il Dominio et ...
della Terra ...

L'Anno 1517 22 Dec. Vol. ... fol. ... in una
Batta ... amarone ... abusioni ... di
Fraschio ... quali dalli ... inficiati e fatto
portare sotto la ... della detta ... formandosi ...
... di ... et essercitando quelli autori ...
... et sono ... un ... et ...
senza ... mai dal ... di ... o dall ...
... imme...

... et ... pur anco in ogni tempo ... essercitato quelli atti ... cosi in detta amarone
... nelli ... di ... il ... ordino ...
formationi ... contro tutti quelli ... et ...
... in ... prima ... stata
... il ... anco fu medesimo, come a questo a carte
103 et in ...

Notab. ... il caso occorso l'anno 1537 4 ... ord. ... 102
... nel ... chiamato ...
... Massaro ... comparvero a quel ...
... il Gastaldo ... di ...
... de ... loro commune ... sono ...
sotto ... fusse ...
... de Lasecetto ... di ...
Batta ... ramontino ...

nella sua [illegible] di [illegible] con la presenza de [illegible]
[illegible] off. [illegible] [illegible] riceuto [illegible]
[illegible] [illegible] dichiarano [illegible]
[illegible] Zorzi Zecolatto di [illegible] et dimand. [illegible]
[illegible]

[illegible] il luoco del [illegible] [illegible]
[illegible] [illegible] querella [illegible]
[illegible] ma [illegible]
[illegible] et in [illegible]
[illegible] non solo col [illegible] col [illegible]
et [illegible] [illegible]
[illegible] il sig. Chiaravalli [illegible] haveva fatto
[illegible] et di sostentare [illegible]
[illegible] [illegible] Giurisditione
di [illegible] et [illegible]
~~[illegible]~~
[illegible] il sig. [illegible] [illegible]
[illegible] controversia [illegible]
[illegible] acquistati [illegible]
[illegible] in modo [illegible] confirmò [illegible]
~~[illegible]~~ sopra il luoco [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] affirmorono i testimoni [illegible]
[illegible] furono [illegible] examinati

[illegible] comprobano [illegible] in molti [illegible] bandire et [illegible]
bandire [illegible] in particolare [illegible]
[illegible] fol. 34, 1610 6 Giugno [illegible] 1621 25 [illegible]
[illegible] [illegible] 1627 [illegible]

[illegible] [illegible] [illegible]

[illegible] dello Giudicano [illegible] di [illegible] et S[illegible]

[illegible] che occor[illegible] [illegible]

sino ai confini [illegible] col [illegible] di [illegible]

[illegible] et non considerando mai [illegible] i

commun[e] di Casara con [illegible]

col fondam[ent]o del tal qual [illegible] [illegible] sino

[illegible] cura un minima parte

habbia potuto comprar la settima portione di d[ett]o [illegible]

et hora possa sostenere [illegible] incorporationi [illegible]

[illegible] se ciò si dasse si sarebbe ancora [illegible] parte

[illegible] di d[ett]a commugna anzi quella interalm[ent]e [illegible]

~~[illegible] Giudicano~~ a [illegible] et [illegible]

S[ua] [illegible] Casara [illegible] et pasca i suoi animali in essa Campagna,

[illegible] mentre lo [illegible] non in vigor del privilegio

[illegible] [illegible]

[illegible] mentre [illegible] [illegible]

[illegible] [illegible] del consolar[illegible]

[illegible] Patria [illegible]

[illegible] prima [illegible] 1732 [illegible]

[illegible] legge in sostanza [illegible] tutti i giudichi della [illegible]

[illegible] D[illegible] un'affitto conside[rabi]le

[illegible] di poter [illegible]

et ~~communi~~ consolare [illegible] murale [illegible]

[illegible] Patria [illegible] dai Saltari et [illegible]

[illegible] delli medemi;

[illegible] affirma [illegible] 1404 [illegible] individualm[ent]e

[illegible] Huomini et communi [illegible] al P[adre] B. et Giordi

[illegible] chiaro per qual causa [illegible] altri [illegible]

[illegible] hanno [illegible] consolari et [illegible]

nel Territorio et [illegible] [illegible] [illegible] alcuni [illegible]
d'andar speculando. Et resta in dubbio [illegible] le ragioni di [illegible]
[illegible] d'aggiunta alla con[illegible] ~~[illegible]~~
~~del [illegible] [illegible] alli [illegible]~~

Essendo stato [illegible] Terma[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] senza mai turbata
Giurisdittione Patriarcale ne [illegible] [illegible] [illegible] [illegible]
[illegible] il suo Territorio; [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] 1545 16 Giugno fol. 74 [illegible]
[illegible] con [illegible] [illegible] Patriarca [illegible]

[illegible] individualmente [illegible] [illegible] Communali di [illegible] et altri della
Giurisdittione Patriarcale [illegible] 1542 [illegible] Giugno fol. 24 [illegible]
[illegible] al Nobil Huomo S. Gieronimo [illegible] Priuli [illegible]
[illegible] causa di Beni Communali [illegible] modo alcuno [illegible]
[illegible] [illegible] in alcun luoco della Giurisdittione Patriarcale et
quello [illegible] [illegible] [illegible] [illegible] In caso [illegible]
[illegible] [illegible] [illegible] di confini si doverse seruare
quanto [illegible] [illegible] stato [illegible] [illegible] [illegible]
Territorio [illegible] Patriarcal [illegible] [illegible] [illegible] et nascendo
tra loro discordia, [illegible] douessero [illegible] le opinioni alli
Capi del consiglio di Dieci come [illegible] [illegible]

Il stesso [illegible] [illegible] terminato [illegible] 1573 [illegible]
[illegible] membri [illegible] [illegible] [illegible] [illegible] [illegible] fatta dalli
capi [illegible] del consiglio di X 1573 27 [illegible] [illegible]
[illegible] [illegible] come nulla, [illegible] immediate [illegible] contraria
alla [illegible] [illegible] [illegible] [illegible] [illegible]
et alle deliberationi di d.o Conseglio.

Havendo dunque à Roma di [illegible] [illegible] [illegible] à [illegible]
[illegible] et confusione delle [illegible] ancora
Ecc.ma oltre [illegible] [illegible] [illegible] di [illegible]
dodici anni [illegible] quali sono [illegible] [illegible]
controversia [illegible] [illegible] [illegible] [illegible] di [illegible],
et [illegible] in questo [illegible] [illegible] [illegible]
et [illegible] a [illegible] [illegible] atti Giurisdizionali [illegible]
tacendo et non contradicendo [illegible] à quel [illegible] [illegible]
di [illegible] . . .

Et di esso [illegible] [illegible] [illegible] [illegible] Roma [illegible] in
riguardo al [illegible] [illegible] [illegible] [illegible] [illegible] alla
[illegible] Katholici et [illegible] [illegible] in atto di Giustitia
[illegible] [illegible] della sua [illegible] [illegible] ritrovare all
[illegible] [illegible] [illegible] [illegible] indubitata ragione della
medesima Roma [illegible] et [illegible] lui rispondere favorevolmente sopra
la [illegible] [illegible] da quel [illegible] ai [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] pregiudizii machinati [illegible] [illegible]
la [illegible] [illegible]

[illegible]

[illegible]

[illegible] ac de other[illegible]

[illegible] no, et eodem tempore

[illegible]

[illegible] partibus concurrentes esse [illegible]

[illegible] a iure requisita [illegible]

[illegible] et audiente [illegible]

[illegible]

[illegible] altuis dictis [illegible] Ant. [illegible]
[illegible] factum et male iudicatum [illegible] et in [illegible]
~~sententiam~~ et confirmari [illegible] contra arbitros elevata [illegible]
et ad hoc ut [illegible] producit legitimus
eius interveniendi [illegible] [illegible]
[illegible] confirmari [illegible]
[illegible]

[illegible] inarli [illegible]

Constat n. de compromisso, ac de [illegible] arbitrorum a partibus electorum
~~Extat~~ patet quod

[illegible] che le [illegible] Ant. [illegible]
[illegible] che [illegible]
[illegible]
~~Ant.~~ Gregorio [illegible] detta [illegible] a [illegible]
[illegible] condannato [illegible]

[illegible]
[illegible]
[illegible] dimanda et [illegible]
[illegible] hanno voluto et [illegible]
le ambe le parti [illegible]
[illegible]
[illegible] sopra cotal dimanda [illegible] et [illegible]
[illegible] di loro [illegible] la loro controversia
[illegible] anco gli arbitri [illegible]
[illegible] di [illegible]
[illegible] et in conseguenza [illegible] quelli [illegible]
[illegible]

[illegible]

[illegible]

...mente giustifica, che la continuarla di quelli [illegible]

[illegible] alla [illegible] d'[illegible]

nelli avocati et Procuratori [illegible]

[illegible] dandovi conto di [illegible]

Se certo è che le parole seguite la settimana passata
il Sig.r [illegible] palatio da una casa al S.r Gio. [illegible]
[illegible] Telmesso, hanno stati [illegible]
[illegible] et [illegible]
[illegible] quali sequestro [illegible] etc.
[illegible]
[illegible] a [illegible]
accomodam.ti dai quali essi S.ri [illegible] si sanno
[illegible] anzi tuttavia acconsentono; [illegible] di
[illegible] spazio [illegible] che [illegible] che le case delli
[illegible] loco di [illegible] a
[illegible] altro di Casa [illegible] adrizzate alle
audienze [illegible] audienze [illegible]
a [illegible]
[illegible] oggi, et subito finito il giuditio [illegible]
alle case loro al solito sequestro [illegible]
[illegible] di allargare [illegible] audie[illegible]
[illegible] et [illegible]
[illegible] avanti le case [illegible] che
[illegible] contrata [illegible]
[illegible] et [illegible] contrario [illegible] etc.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] al [illegible] ac [illegible]

[illegible] ac [illegible]

[illegible] ut [illegible]

[illegible]

[illegible] natura [illegible]

[illegible]

[illegible]

[illegible] ratione [illegible] [illegible]

[illegible]

[illegible]

Vestionem, cuius diem clausit extremum [illegible]

eiusdem [illegible] sequuti, quod tamen a die [illegible] mensis usque ad diem ultima

[illegible] quo fructus et emolumen

[illegible] adventaniis allatum a die

natiuitatis [illegible] ad diem illius obitus,

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] sonicto surrahuntur [illegible]

[illegible]

[illegible]

a die illius [illegible] fructus [illegible]

[illegible] exactionis [illegible]

[illegible] ei [illegible] ~~dicta~~ [illegible]
[illegible]
[illegible] modo exig[illegible] [illegible]
[illegible]
[illegible]
[illegible] Entoni [illegible] modo [illegible]
[illegible]
[illegible]
sit materia [illegible] iudici[illegible]
tractet de [illegible]
[illegible]
[illegible]
[illegible] media [illegible]

[illegible]

[illegible]

[illegible] anno [illegible]

[illegible]

[illegible] fatta [illegible]

[illegible] di questi [illegible]

[illegible], et querela [illegible]

[illegible]

[illegible] minuthali ogetta [illegible]

[illegible] Clitini sabbe, et corto [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] diante [illegible]

[illegible]

[illegible]

[illegible] peccatorum

[illegible] unitis fuerunt inten[illegible]

[illegible]

[illegible]

[illegible] ad manutentionem [illegible]

[illegible] petit eundem [illegible]

[illegible] timido a [illegible] [illegible]

[illegible] carmini [illegible]

[illegible] una [illegible]

[illegible]

[illegible] Marco [illegible] [illegible]

[illegible] tanta [illegible] et [illegible]

[illegible] se [illegible] a [illegible]

et [illegible] provenientes [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ratiõn [illegible] dolentibus et iacent. in e[illegible]

... che il d.o Sr. Raimondo ~~[illegible]~~ ... [illegible] ... medio ...

[illegible]

[illegible]

... dici ... a ... in tanta moneta corrente

... a ragione nel termine di giorni ... a ...

... alcuna d'alterazioni ...

... [illegible] ...

... il cam.to ... promette, et

... in quelli ... al futuro caduto ...

... tanto ... [illegible] ...

... che mancando il Sr. Raimondo in

... delli ... in altro modo

... convenuto ... spetta sommariam.te

... contro il d.o Sr. ... [illegible]

[illegible]

[illegible]

alli quali tutti rinontia ex nunc pregiando ...

... di ... questo ... nel modo forma et ...

... et ... et ...

... tutte ... Sr. Raimondo obligò tutti li suoi ...

mobili, et stabili, presenti, et futuri ...

... dette Pecore il dominio delle ... ~~[illegible]~~

contenti che passasse et restasse ... [illegible] ...

summa di ... [illegible] ...

[illegible] intellettu. [illegible] ~~[illegible]~~ signe del comun. di [illegible]
~~della villa di [illegible]~~ [illegible] ~~[illegible]~~ [illegible]
[illegible] continuamente [illegible]
[illegible]
[illegible] mercantie, et [illegible]
[illegible] et [illegible]
[illegible] una [illegible] di [illegible]
[illegible] contro ogni [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] animari, et [illegible]
[illegible], et continuare il loro [illegible], [illegible]
[illegible]
[illegible]

omnia simul considerata

etiam secundam

allegatas

et in melius

in Portolo ... ex

in praesenti causa alias alliata

deceptio ... ex

receptio; [illegible] nullam [illegible] [illegible]

[illegible]

[illegible] cum illud [illegible] habeant [illegible] ut [illegible]

[illegible]

[illegible] et [illegible] eis

[illegible] in eodem [illegible]

[illegible]

[illegible], et [illegible] eo [illegible]

[illegible] namque iudices ex legum [illegible]

[illegible]

[illegible] aliquid ei dare possunt [illegible] cum haeredes [illegible]

[illegible] aestimationi [illegible]

[illegible] voluntate, sed tantum [illegible] indirecte [illegible]

[illegible]

[illegible]

[illegible] ~~[illegible]~~ qui [illegible]

[illegible] omnidiam, imo nec. atiq [illegible]

[illegible]

[illegible] Vniuersana [illegible]

in veteribus [illegible]

[illegible] in [illegible]

Sui: ad in [illegible] eius [illegible] ~~de~~ [illegible] nec

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] tuetur teneat pro [illegible] sufficere in et uno, et

[illegible]

[illegible] recentioribus recurrentibus et in casu [illegible]

[illegible] contra predictos tam in capitulo et consulatu [illegible]

[illegible] tempore confecti instrumenti, quod in omnium [illegible]

[illegible] et patiendi in itinerando [illegible] protestando

[illegible] clerici, et

contenti, et [illegible]

[illegible] Curia episcopalis [illegible]

[illegible] Patria [illegible] ad eorum

[illegible] ad [illegible] competentem [illegible]

[illegible] ecclesiastici fori competentem, [illegible]

[illegible] in authenticam formam expletas appellationis

[illegible] patientia ad eam [illegible]

[illegible] et Curiae episcoporum

[illegible], et hoc animo [illegible]

[illegible] promisisse copias [illegible]

Adiiciendum [illegible] non sine istius Ill.mi et R.mi [illegible]

[illegible] attenerabat, [illegible] iudicio

[illegible] constitui [illegible]

ri ottinane i detto
è che [illegible] Tadeo [illegible]
di Ponessar [illegible] Protettione, et difesa di [illegible] in san Ellegire; [illegible] lere di
[illegible] — [illegible] detta [illegible] tanto consegna affitti
[illegible]cateli dalla [illegible] giustitia per suoi alimenti, et ~~dote~~ restitutione di dote
[illegible] come [illegible] Indutto [illegible] tito [illegible]
[illegible] caute, il che auiene, come si uien detto
[illegible] ordinarii auocati in ~~[illegible]~~ [illegible]
noi prouendo le [illegible] Patrocinio di questa [illegible]
in favore miserabili, come è la detta [illegible] che e [illegible] della [illegible]
[illegible] ~~[illegible]~~ caderebbono [illegible] altro indifese
ui dicemo, che dobbiate hauer rato fermo, et [illegible] tutto
l'operato per il detto Tadeo in detta et in [illegible]
[illegible]
[illegible] altra forza nello ~~[illegible]~~ [illegible]
[illegible]
[illegible]
[illegible] minaccie intimoriti et [illegible] nella [illegible]
[illegible]
et uiene [illegible] dalli detti [illegible]
di [illegible] [illegible] ~~[illegible]~~
~~[illegible]~~ di ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible]
[illegible] di [illegible]
Bando [illegible] d'arbitrio [illegible]
[illegible] che [illegible]
[illegible] Patrocinanti [illegible]
[illegible]

[illegible] tu arguend[illegible] [illegible]
nemps etiam appellationes [illegible] eadem [illegible]
idem [illegible] [illegible] [illegible]

cadant atq[illegible] ut [illegible] [illegible] et [illegible]
tam [illegible] [illegible] et qd [illegible] est [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] ~~admitti~~ [illegible] et [illegible]
[illegible]
[illegible] admitti [illegible]
[illegible] [illegible]
~~[illegible]~~ [illegible] ut [illegible]
[illegible] contra [illegible] et [illegible] ad
[illegible] [illegible]
et appellationes [illegible] [illegible]
[illegible] dierum, aliàs ad [illegible] in causa
sententiae [illegible] appellantem iuxta formam [illegible]
Canonum [illegible] ~~[illegible]~~ concil. Trident. cap. 3 sess. [illegible]
[illegible]

[illegible] [illegible]
[illegible] mediante ~~[illegible]~~ [illegible] ut [illegible]
[illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] appellatione [illegible]
[illegible]

[illegible] ~~[illegible]~~
[illegible] ut [illegible]
[illegible]

[illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] exceptione

[illegible] ique tamen [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] ~~[illegible]~~ [illegible] ~~et quasi [illegible]~~ [illegible] finire

[illegible] collectus [illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] in [illegible] [illegible]

[illegible]ratione.

[illegible] ~~[illegible]~~ quodq; omnino [illegible]

[illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] [illegible] fecit [illegible]

~~[illegible]~~ [illegible] ~~[illegible]~~ ~~[illegible]~~ [illegible]

~~[illegible]~~ intentioni [illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible] an [illegible]

deliberatione [illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible] est [illegible] habeat [illegible]

~~[illegible]~~ et [illegible]

[illegible] collectum [illegible] ~~[illegible]~~ illorum, ~~qui omnia~~

[illegible] ~~[illegible]~~ [illegible]

[illegible]

[illegible] convenit, [illegible] et administrat.

[illegible] in [illegible] Patria existentium de [illegible]

[illegible] oratione [illegible]

[illegible]

[illegible] ostendit prout R. [illegible] D. Bettinus [illegible]
[illegible] nec disentire [illegible] potuit
[illegible] est [illegible]

Ill.mo ac R.mo Patrono

[illegible] Ill.mus [illegible] in [illegible]
[illegible] gestorem [illegible]
[illegible] actione [illegible] ac [illegible] Franc.°
[illegible] eius colono [illegible] Petrus [illegible]
[illegible] Bettinus Rev.us gestorem ad [illegible]
[illegible] et administrat [illegible]
[illegible]
[illegible] partis, atq. [illegible]
[illegible] Patientiam [illegible]

[illegible] Procurator Ill.mi [illegible] maxime [illegible]
[illegible] & Fran.co Gabrielli alias eius colono alias Patrizio
[illegible]
[illegible] contra [illegible]
[illegible] conditio colonorum
[illegible] effet huiusmodi Ill.mi [illegible]
[illegible] nisi adinveniri potest quotiens [illegible]
[illegible] contra [illegible]
[illegible] huiusmodi [illegible]
[illegible]
[illegible] ac [illegible]
[illegible]
[illegible] patet ex locationibus [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] licentia et patientia [illegible]
[illegible]
[illegible]
[illegible]

nec mirum est dicere, quod patientia cum [illegible] conuincta

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] cat ex parte Decani de [illegible] et acquitarat

[illegible] ratificationi, et voluit [illegible] quo enim

[illegible] [illegible] quo enim, ex quo Alex.

[illegible] [illegible] quod si quis gessit pro [illegible]

[illegible] sciente, et patiente [illegible]

[illegible] [illegible] et ideo [illegible] sicut [illegible]

[illegible] [illegible] [illegible] alt [illegible]

[illegible] [illegible] [illegible] de [illegible], et [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

de ministratione bonorum [illegible] [illegible]

[illegible] [illegible] ~~[illegible]~~ ~~[illegible]~~

[illegible] [illegible] ~~[illegible]~~

~~[illegible]~~ ~~[illegible]~~ [illegible]

[illegible] ~~[illegible]~~ [illegible] [illegible]

[illegible] sciente et patiente [illegible], [illegible]

[illegible] [illegible] tam [illegible] [illegible]

[illegible] [illegible] [illegible]

cum, ut alias ~~[illegible]~~ [illegible] iustitiæ [illegible]; [illegible] Patrii

[illegible] ~~et~~ extra patriam [illegible] [illegible]

~~[illegible]~~ nisi pro contrahentes extra [illegible] ~~[illegible]~~

Quod [illegible] [illegible]

[illegible] [illegible] in [illegible]

[illegible] prout [illegible] in Processu cognouit ~~[illegible]~~

[illegible] [illegible]

~~[illegible]~~ [illegible] [illegible]

[illegible] de [illegible], [illegible] [illegible]

[illegible] [illegible] [illegible] ac

[illegible] [illegible] de eo nulla [illegible]

[illegible] ~~[illegible]~~ [illegible] et propterea

[illegible] [illegible] [illegible]

In causa Furti, nenche quomodo [illegible]

et omnia [illegible] gambiales [illegible]

In una causa di certe Gioani che nella casa del Priore Sauenano dava ricetto a' suoi inamorati et [illegible]

[illegible]

[illegible] exacte [illegible]

1628 de [illegible]

[illegible] ... de eadem [illegible]

... ut n. 5 ubi et rat. n. ... et seq. de eod. [illegible]

[illegible] quando agnosceret ... [illegible]

... testes [illegible] in casu ... in exceptione maiores, ut [illegible]

... quantitate, de qua in [illegible] addemus [illegible]

[illegible]

uno ore Testes omnes parte D. Pelilardi [illegible]

fol. 8 et sequentib., quibus in locis [illegible]

[illegible]

... ea die, in qua pro D. Pelilardo [illegible] Testibus [illegible]

[illegible] ... D. Benedicti [illegible]

[illegible] quod [illegible]

[illegible] ... quae assertio

[illegible]

[illegible] dolosum [illegible]
[illegible] ut latet [illegible]
[illegible]
[illegible]
[illegible] fundamentale [illegible]
[illegible] Fenochi [illegible]
affirmant [illegible]
[illegible] cons. de arbitr. iud. quaest. 25 num. 34 et [illegible]
[illegible]
[illegible] vero [illegible]
[illegible] adde [illegible]
[illegible] vel [illegible] quomodo [illegible]
[illegible] familiaritas [illegible]
esse difficilis probationis tradiderunt [illegible] proficiendo [illegible]
[illegible] et [illegible]
in actionibus [illegible] plane [illegible] de [illegible]
[illegible] ab omnibus communiter esse [illegible]
[illegible] in Cons. 29 Plura proponunt post num. [illegible]
[illegible]
[illegible] manifestat
[illegible] ait [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

§ [illegible] [illegible] nam ex
glossa in verb. [illegible] [illegible] assignat quoque [illegible] quae est [illegible] testium ubi
[illegible] familiares testium et [illegible] multa [illegible]
[illegible]

ac secatio non haberet
sed quotiescumque testes
de audire quoque
admitterent 9'

[illegible]

[illegible] corroborat [illegible]

[illegible] caveat admittere [illegible]
[illegible] singularis [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

affecant [illegible]

[illegible]

[illegible]

[illegible] 12 [illegible] nobas ex coniecturis, idem firmavit

Alex. [illegible] ait n.° ii ff l. eod. [illegible]

[illegible] admittantur, et etiā ad [illegible] probandū testes familiares, n.° [illegible]

[illegible] [illegible] notte [illegible] [illegible]

n.° 4 et 6 [illegible] [illegible]

[illegible] n.° [illegible], et [illegible] etiā [illegible]

[illegible] [illegible] ait n.° 14 vers. et in quantum [illegible] Bartol.

[illegible] eod.; idem consulens respondit Bald. cons. 427

[illegible] n.° 5 vol. 5, et Paris. cons. 75 ad [illegible]

n.° 22 vers. ex quibus infert vol. 4.°, et in cons. 74 n.° 12

[illegible] vol. [illegible] docuit et Angel. Aret. in tract. malefic. in

[illegible] [illegible]

monet [illegible] probari [illegible] [illegible]

[illegible] et placuit [illegible] [illegible] n.° 1 [illegible]

supra diximus [illegible] sunt, quibus accedit

Marcellus Concad. in tract. de [illegible] [illegible]

[illegible] 14 [illegible] et [illegible] [illegible]

[illegible] cons. 47 n.° 7 [illegible] unde ex superius

[illegible] [illegible] fuerit [illegible]

et familiares testes [illegible] pussira [illegible]

[illegible] adisse [illegible]

[illegible] [illegible]

[illegible] possint [illegible] extra [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] exception [illegible] [illegible]

adverso laborent irrelevantiæ vitio; [illegible]
[illegible] dato [illegible] [illegible] potentia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] confirmant [illegible] adsit [illegible] [illegible] esse [illegible] [illegible]
[illegible] sibi uere habeat locum

Un caveat? Amorosa di giovani in materia d'haver praticato carnal.te con giovane

Fu consultore de' più savij [illegible] fusse configuito nella [illegible] di leggi et dal [illegible] [illegible] fundato, et però volessero che [illegible] [illegible] [illegible] [illegible] potessero [illegible] [illegible] e [illegible] [illegible] che originando da Platone maestro [illegible] [illegible] di tale materia [illegible] et certo nessuno errore può venire incorporato. et però decidessero le leggi civili che [illegible] [illegible] [illegible] [illegible] [illegible] ad atti savij et operationi sensate, che questo tale [illegible] [illegible] [illegible] [illegible] et [illegible] di [illegible] vitta, quanto che volessero indovinare [illegible] [illegible] [illegible] che questa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] una [illegible] [illegible] [illegible] [illegible] alla [illegible], et tenendo [illegible] la volontà [illegible] [illegible] [illegible] in tutto quello [illegible] meglio può [illegible] animare [illegible] [illegible] [illegible] di [illegible] [illegible] [illegible] questo [illegible] [illegible] della Virginia Romana che già [illegible] [illegible] [illegible] [illegible] [illegible] ne la maggiore, ne più insuperabile che quella d'Amore [illegible], dicendo che il [illegible] [illegible] era [illegible] [illegible] [illegible] [illegible] [illegible] di [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] e sono [illegible] [illegible] [illegible]

Dal [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] che nell' [illegible]
[illegible]ate: [illegible] et [illegible] et
[illegible] [illegible] [illegible] [illegible]
[illegible] o [illegible] [illegible]
[illegible] [illegible] et
[illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] della detta donna [illegible], [illegible] alla [illegible]
di molti carrateri, et altri magici [illegible] [illegible], et
cose tali, il che essendo stato stato [illegible] da Competitori
[illegible] come [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
il Consistoriale [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], et
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ei competente [illegible]

[illegible] ad cora iudice [illegible]

[illegible]

[illegible]

[illegible]

[illegible] oriunter ante [illegible]

[illegible] formul[illegible] [illegible]

complexi[illegible] [illegible] quae [illegible]

[illegible] multum [illegible] haec.

[illegible] in [illegible]

[illegible] eo [illegible]

[illegible] evocando [illegible]

[illegible]

[illegible] omnium de [illegible] audi [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] e [illegible]

[illegible] [illegible] autoritate [illegible] sanguine [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] in eo [illegible]

[illegible]

[illegible] resolutionem [illegible] explicatio in [illegible]

[illegible] annuunt [illegible] contra [illegible]

[illegible] inter [illegible]

[illegible] videre [illegible] quales [illegible] [illegible]

[illegible]

[illegible] necessarie [illegible] contra [illegible]

[illegible] dicere [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] intra [illegible]

[illegible] exeunt extra [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] existentia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] [illegible] et intra [illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] ad [illegible] [illegible]

[illegible] tutis [illegible] inuentis [illegible]

[illegible] instructive [illegible]

[illegible] et quoniā [illegible]

[illegible] quinam [illegible]

[illegible]

mandato illius [illegible] [illegible] et

[illegible] et [illegible] admitti ad eiusdem [illegible]

fratris

[illegible] ab intestato [illegible] [illegible]

[illegible] fuisset, [illegible] aliquid [illegible]

[illegible], et ita [illegible], [illegible]

[illegible] [illegible]

Et quoniam [illegible] [illegible] arbitrio [illegible]

[illegible] [illegible] fratris

[illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible] ratione

[illegible] vel [illegible]

[illegible]

[illegible] fratri [illegible] ad [illegible]

[illegible]

[illegible] [illegible]

[illegible] loco [illegible] cum [illegible]

[illegible] cenata [illegible] vere [illegible]

[illegible] decent admitti cum timore [illegible]

ita dicendo [illegible] in cas [illegible]

[illegible] in mente sine [illegible] et [illegible]

[illegible]

[illegible] quantitatem [illegible]

[illegible]

[illegible] possunt [illegible]

[illegible] et ita hec [illegible]

[illegible]

— 1 5 —

[illegible] ad [illegible] f.a modus [illegible]

[illegible] prius statu [illegible]

e maleficii eidem civitati [illegible]

steaderant [illegible] ne Amici [illegible]

in aliquo opera mea defficit, deo, et [illegible]

[illegible] admittione [illegible]

[illegible] hoc casu meam opinione [illegible]

[illegible] et [illegible]

[illegible] item dicit [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

de iure et indubitanter. Unde tex. in l. milites § [illegible]

[illegible] dicit eum videlicet [illegible]

[illegible] in ca. criminali propter [illegible] gravitatem licet tamen

et attestationibus publicatis producere ad defensam

et inclinat tex. in l. unius § cognituro, et ibi not. Bart.

[illegible] de quaest. Salic. in l. fin. n.o 15 (de quaest. [illegible]

Tom. 140 n.o 00 et in [illegible]

Marsil. in l. p.a § fin. n.o 4 et 5 ff. de quaest. Carrer. in l. 2

n.o 170 (quod [illegible] modo admittendi

[illegible] in ca. [illegible] instantia [illegible]

[illegible] in [illegible] magna [illegible] criminali Bald. in

[illegible] parentes (de testib. [illegible] in l. 4.a C. [illegible] (de inma

[illegible] Marsil. in [illegible] tract. criminal. § expedita n.o 4

[illegible] calla [illegible] alisd allud [illegible]

[illegible]

ten fuit dictu, ac o

tū odio moda recti, que

contraria aon

e iter circa

ut nihil

to aird

ornatur ius castores

practice vocit, ut propter

vicerit, ut Villius ita

viatione, ditat etiam

eiusmodi

elland a fe. 1.m. fecido, atq. tertio

In [illegible] et [illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] comia [illegible]
[illegible]
[illegible] nec [illegible]

Ad uero [illegible] adducta nõ efficiant [illegible]
[illegible]
inter [illegible] Paternũ et Christoforũ [illegible]
[illegible] Patrum [illegible] Ioannis [illegible] conditũ, ex quo
[illegible]
agnis [illegible] expectantia et [illegible]entia; nõ tñ debet
[illegible] ad [illegible] Ioannis modo [illegible]
[illegible]
[illegible] debere [illegible]

[illegible]
contra extra [illegible] aliquomodo [illegible]
[illegible]
nihil [illegible] illatio nõ concludat [illegible]
Franzipanorũ, imo ipsũ reijcit [illegible]
[illegible] in eadem [illegible]
[illegible] et in eadem
[illegible]

[illegible] dixit [illegible]
[illegible] na [illegible] cum [illegible]
[illegible] gratitudinis
[illegible] cofecerit [illegible] [illegible] diligit [illegible]
[illegible] tenui damni [illegible] in [illegible] Patris Petrumq
[illegible] initiatio [illegible] [illegible]
[illegible] renuntiavit seq [illegible] [illegible]
Petrum [illegible] modo conveniat [illegible]
[illegible] agnit, [illegible] patres [illegible]
in [illegible] retinet [illegible]
[illegible] [illegible] [illegible] [illegible]
et Petrum, ut ita [illegible]

[illegible] civitate [illegible]

et fratre Franciscanti [illegible] [illegible]

Agnis [illegible] protectis ad onera [illegible]

dictis [illegible] Actoribus: [illegible] eius [illegible]

eorum partes requirebant, quo [illegible]

[illegible] [illegible] calcl.

[illegible]

[illegible] quo [illegible] licet [illegible]

[illegible]

[illegible] an possit [illegible]

[illegible] allicendo [illegible]

[illegible] in Decis. ad [illegible]

[illegible] creatoris, quod [illegible]

[illegible] adhibenda [illegible]

[illegible] [illegible]

[illegible] [illegible] et

[illegible] [illegible]

[illegible] pro [illegible]

l. [illegible] cod. de donationib. § exemplo [illegible] de [illegible]

[illegible] Aret. cons. 62 [illegible] cons.

q. [illegible] 25 et complures adducit [illegible]

[illegible] et [illegible]

[illegible] deceat [illegible] nat [illegible]

[illegible] similiter [illegible]

[illegible] ideo [illegible]

conueniant adminicula alia [illegible]

[illegible] summo [illegible] ita indicand

[illegible] de oratione [illegible]

[illegible] et [illegible] dixit [illegible]

[illegible]

[illegible] et

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in [illegible]

[illegible]

[illegible]

[illegible] Ioannes confessionarius; verum [illegible]

[illegible] hoc facere debet; dico 2

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] modo [illegible]

[illegible]

[illegible]

[illegible]

[illegible] eius [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] de [illegible] Ani.
[illegible] inuitis
[illegible] vita et
[illegible] sufficit [illegible]
Ducatus n.° 43 de prohib. feud. alien. [illegible]
365 n.° 13, Ruiz cons. 75 n.° 2 vers. et idem [illegible]
lib. [illegible] contra [illegible] quod [illegible]
[illegible] n.° [illegible] et [illegible]
[illegible] magis [illegible] ~~[illegible]~~
[illegible] fundos steriles atq. [illegible] sua cultura, suis
laboribus fertiles reddiderunt; tunc [illegible] nullo modo possunt
[illegible] quamuis [illegible]
[illegible] Cod. de omni agro
[illegible] et
[illegible] ratio [illegible]
[illegible]
[illegible]
[illegible] medio [illegible]
[illegible] et [illegible] agros
[illegible] suis laboribus fertiles et fructiferos reddiderunt
[illegible] diligentes [illegible] dedere
agrorum culturae et diligentiam suam sibi esse damnosam [illegible]
Cod. de agric. lib. 11 et [illegible] Cod. de omni agr. desert.
[illegible] ne [illegible] efficiuntur melioramenta, et sic [illegible]
[illegible] damno esse uidetur [illegible] ~~[illegible]~~
[illegible] in suo tract. de locat. et conduct. [illegible]
2.° fol. 140 vers. qui plane [illegible] uidetur satisfactum
[illegible] et ad culturam reduxit
ut fructus, et fructus [illegible]; [illegible] conclusio est
[illegible] locum habet [illegible]
[illegible] est omnino exaustum Patrimonium eius [illegible]
mittet, et ita quodammodo uideretur deceptus [illegible]

[illegible] aures [illegible] de rebus [illegible] alien. et [illegible]
[illegible] [illegible]lendo, et iudicando ab [illegible] sententia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] 3 [illegible], et [illegible] [illegible]
mantica [illegible] esset [illegible] saluti [illegible] [illegible] [illegible]
[illegible] [illegible] tradidit in [illegible] tract. de tacit. et ambig.
[illegible] [illegible] de tacit et amb. locat. et conduct.
conuent. lib. [illegible] tit. 2. n° [illegible] [illegible] [illegible]
[illegible] [illegible] annos ~~[illegible]~~ et [illegible] ~~[illegible]~~ [illegible]
[illegible]. [illegible] uniforme sententia [illegible] [illegible]
[illegible] [illegible] [illegible] creatione Agrorum de quibus [illegible] [illegible]
[illegible] et [illegible] [illegible], et undequaque [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] coloniæ, [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] reluctantibus nunc confirmatio
[illegible] [illegible] [illegible] [illegible] [illegible], et interea
[illegible] ex.mi iudicis certe sunt declarata annullata
[illegible], quod dictus Joannes [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] per [illegible] [illegible] [illegible] ad retentione omnium [illegible] [illegible]
[illegible] [illegible] [illegible] deberet [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] conditionem ut [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 3 [illegible]

[illegible]

[illegible] constituto [illegible]

[illegible] una vel [illegible]

Hec est nata [illegible] permutatio

[illegible] integraliter non divisit numerata sed in [illegible] remissione [illegible]

[illegible] videlicet Fratri [illegible], et [illegible]

[illegible] non in [illegible]

[illegible] maneret [illegible] cum indotata, in [illegible]

[illegible] assentientes ad quantitatem [illegible]

[illegible] consignatis [illegible]

[illegible] in [illegible] contenta [illegible], et [illegible]

[illegible] contentis [illegible]

[illegible] mediante [illegible] Octavius.

[illegible] videlicet [illegible] possessionis [illegible],

[illegible] in [illegible] Augustinus [illegible]

[illegible] quiete et [illegible]

[illegible]

[illegible] Augustinus, [illegible]

[illegible]

[illegible] rationem [illegible] et [illegible]

[illegible]

[illegible]

[illegible]

in qua vegat [illegible] quia ea non est
ad hoc sit inter viros aut affinitatis vinculo colligatos, in
[illegible] et [illegible], et varro petenti [illegible]
[illegible]

[illegible] licentiam ab intentatis [illegible] strasoldos illorum unidici
[illegible] est apud viros consultos quod sinon in [illegible]
[illegible] evadit [illegible] consequendum [illegible] et ad [illegible]
modo, ut ostendam, [illegible]
anterior in hypotheca est [illegible]
eius matre [illegible] in [illegible] esse debet, [illegible]
[illegible]
ut [illegible]
[illegible]
[illegible]
sub qua controversia [illegible]
1533 4 [illegible] februari [illegible] octavi [illegible]
[illegible]
[illegible] modo ut primavo, [illegible]
[illegible] est [illegible]
quod et potior esse debet, ita ut a posterioribus [illegible]
[illegible] molestari et [illegible] strasoldis
[illegible] anterioritas modo [illegible] octavii ut [illegible]
[illegible] ex qua [illegible] mater [illegible] contraxerunt uxor
[illegible] Octavia [illegible] D. Giorgio D. Andreotti
[illegible] anno 1562 in matrimonium [illegible]
[illegible] constitutam [illegible]
[illegible]

[illegible]

[illegible] habet, [illegible]

[illegible] eius matris ~~[illegible]~~ integrata et in ~~solutum~~ fuit

[illegible] in [illegible]

[illegible] S. Octavie [illegible]

[illegible] et [illegible]

[illegible] S. Octavie, que in sedem erat quoad [illegible]

De Prioritate S. Augustini in Hypotheca [illegible]

[illegible] eius ~~[illegible]~~ [illegible]

[illegible] et [illegible] eius [illegible]

~~[illegible]~~

[illegible]

[illegible]

15 [illegible] februarii in [illegible] in quo [illegible]

S. Octavie ~~[illegible]~~ eidem in solutum fuit data

[illegible] controversia [illegible] eius [illegible]

[illegible] S. Octavie [illegible]

[illegible]

[illegible] eius matris [illegible] fuit consignata et in solutum

data [illegible] controversia, ut ex instrum.° in [illegible]

[illegible] de [illegible]

[illegible] Hypotheca [illegible]

[illegible] constitutione [illegible]

[illegible] S. [illegible]

[illegible]

Nam cum constet sit quod d. Vincentius [illegible]

[illegible] Actores Vitum [illegible] minimi [illegible]

minoritate temporis [illegible] iuxta [illegible]

dum agit, aut [illegible] Verum de minoritate [illegible]

[illegible] Partistanei constat ex testamento 1567 7 februarii [illegible]

[illegible] d. Octavio in cuius [illegible]

[illegible]

[illegible] de Andreottis ~~ex dote~~ dote ei constituta [illegible] 1500

suo cuius consecutione ab ea die citra ut ex predicto instrumento

elicitur [illegible] d. Octavio [illegible] hypothecam competere [illegible]

bonis [illegible] fratris Arcumanum ~~et~~ [illegible] constituentium et

sic et in Braida modo contentiosa; Unde ~~[illegible]~~ [illegible]

nulli [illegible] [illegible]

[illegible]

[illegible]

obtineat omnia eius iura et actiones [illegible] Partistanei. Nec

[illegible]

in solutione data [illegible] de anno 1573 28 februarii et [illegible]

~~ab~~ ea die citra ab ea die ~~[illegible]~~ solutionis [illegible]

[illegible] debuit [illegible] hypothecam [illegible]

eo tempore [illegible] matrem [illegible] Partistanei et

[illegible] tamen [illegible]

[illegible] 1567 ~~et ea die [illegible]~~ et ab ea die [illegible]

[illegible]

eius matri ad d. cuius [illegible]

[illegible] filius nunc [illegible] incepit [illegible]

in omnibus bonis, et ita et in ista Braida [illegible]

[illegible] ~~[illegible]~~ adhuc quotiescunque [illegible]

[illegible] et [illegible]

tollatur nisi [illegible] creditori sit solutum, et satisfactum, ut

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible], et satisfactus creditori [illegible] datione in solutum facta
de re, et translatione dominii; nihil tunc dominium sit credit[illegible]
aquisitum irrevocabiliter ut not. [illegible] Bart. in l. eleganter
[illegible] princ. [illegible] de pign. act., et [illegible] tex. et ibi
Bart. in l. si rem meam ff. de pig. act. [illegible] actores [illegible]
[illegible] Partistanco allocare dominum Braidę [illegible]
adhuc satisfactum, nec [illegible] ~~eius hypotheca~~ eius hypothe[illegible]
[illegible] cum prioritate temporis, adeo ut ei prius [illegible] de [illegible]
[illegible] Dilectis [illegible]
[illegible] Hypotheca eorum est in illa [illegible]
[illegible] Octaviae Auctrix [illegible]
[illegible]
[illegible]; respondeo [illegible] quod ~~[illegible]~~
sufficit [illegible] Octaviae [illegible] providere [illegible]
[illegible] ~~talem [illegible]~~ huiusmodi habere [illegible]
[illegible], et ex [illegible]
in pign. hab.; sed cum pluribus est [illegible], [illegible]
adversarij sibi contrarij, in facto, et [illegible]
[illegible] digna.
[illegible]
[illegible] ~~[illegible]~~, [illegible] eadem crediderunt, [illegible]
[illegible] dictę Braidę [illegible] Partistanco, [illegible].

seu nec ~~illud~~ diis oblationibus aliquam illud tribuerunt, qd cum [illegible]
~~antea~~ ~~ateas~~ speraverant [illegible]

Referendo [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] deis, emanate [illegible] [illegible]
~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ et salutis [illegible] ex[illegible] [illegible]rattum reliquisse in [illegible]
stabulis ~~[illegible]~~ ~~veniret~~ equum quendam alieni
[illegible] Capistro dum ipse B. Theobaldus ~~[illegible]~~ vix in humanis
erat ob infirmitatem gravissimam, quae in lecto detinebat
continere, ipsumque ~~animalem~~ equum consignasse [illegible]
[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] eu educerent, reduxerunt ad stabula
[illegible] [illegible] [illegible] sine ulla mercede, exponit insu-
[illegible] [illegible] [illegible] [illegible] equum [illegible]
dum ad pabulum fuisset cum caeteris Animalibus [illegible]
minime redivisse ad domos Theobaldi, verum aufugisse
quorsum ignorat; exponit deinde [illegible] [illegible]
~~ex[illegible] [illegible] citatum [illegible] de~~ causa, [illegible] [illegible]
causa in iudicium fuisse vocatum ~~[illegible] [illegible]~~
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ~~ad~~ declarari [illegible]
Theobaldus teneatur ad restitutionem equi [illegible]
Quod tamen levis de iure causa est ex[illegible] [illegible] meus
[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]

[illegible] sit unq. innocue

[illegible] famuli equi de quo modo [illegible]
[illegible] eum [illegible]
[illegible] ad [illegible] causa partionis,
[illegible] nunc est [illegible]
[illegible] ad adimplementum alicuius contractus
[illegible] tenerent; [illegible] dicas [illegible]
[illegible] equum [illegible] dictum [illegible]
in [illegible] a veritate [illegible] et [illegible]
[illegible] equi [illegible]
[illegible] agendo [illegible]
[illegible], cum in lure [illegible]
[illegible] nec ex delicto nec ex contractu uxoris
[illegible]
[illegible]
nec eius [illegible], quoniam in hac equi amissione
nulla culpa tamen intervenit ex parte famulorum et
~~[illegible]~~ et uxoris [illegible] ut ex [illegible]
[illegible] Iudex sapere potuit, unde [illegible]
[illegible] ~~[illegible]~~ [illegible] solummodo [illegible]
et [illegible]
[illegible] teneat tamen de gravi, et gravissima
[illegible] autem de levi, et levissima culpa, sicque modo
sit et intelligatur [illegible] quacumque [illegible]
[illegible] ~~[illegible]~~ ~~[illegible]~~
[illegible]
[illegible] ~~[illegible]~~ [illegible] sicque ~~[illegible]~~ ipse ad primum
[illegible]; [illegible] stantibus [illegible] in facto

newtiims petiit et instat [illegible] licentiam ab intentat[illegible]

a anno alterum mont finis eit ad ex[illegible]

sexto (Nob. Dni) (in uere) agens Nob. Dnus [illegible]

[illegible]

[illegible] scripturig / [illegible] et Amaro ~~[illegible]~~ [illegible], et [illegible]

ad omnibus, narrat [et exhorrit] [illegible]

[illegible]

filiam Naturalem Dni Nob. ~~et~~ Ex.mi D. [illegible] Dni, Patris [illegible]

[illegible] [maurrenei] [illegible]

[illegible]

[illegible] ac tutta

[illegible]

[illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] ~~manit~~ [illegible]

[illegible] et [illegible]

[illegible] expuis [illegible]

[illegible]

[illegible]

[illegible] eore eius [illegible]

[illegible]

[illegible]

... inde dicit antelatus Dnus ... [illegible]

[illegible] bonae memoriae cautionis dotis [illegible] ... [illegible]

deductis, ~~[illegible]~~ cum omnibus ~~[illegible]~~ [illegible] ...

ac ... defunctam spectantibus, et pertinentibus

[illegible] ... mortis, ~~[illegible]~~, proponit postremo

contra dictos haeredes ~~[illegible]~~ antelatam ...

Maurocenam, ex pacto in instrumento dotali inito, et

e ... [illegible] ...

... contracte, seu donatione ... [illegible]

attingentem ducatos 50 et ultra, quae cum ...

... contenuta ... eius ... erat, sequitur quod

... Actoris eius ... [illegible]

... quod nunc debeat; ~~[illegible] tandem concludendo~~

... [illegible] ... et ... [illegible]

... Maurocenae tradita ~~[illegible]~~ ...

... ex aestimatione ... [illegible]

... ~~[illegible] tempore [illegible]~~

ac et tandem Dnus Actor

~~[illegible]~~ ... [illegible] ...

... ab ... domibus, et aliunde

... eius dicta [illegible] in dote

tradita ... valoris, ut ex aestimatione de

... instrumenti ... 50, ~~[illegible]~~

... ~~[illegible]~~ ... [illegible]

... ~~[illegible]~~ ... [illegible]

... et [illegible] modo

... petit, et instat ...

~~[illegible]~~ ... [illegible]

condemnator[illegible] [illegible] summarie et

privilegium [illegible] ~~[illegible]~~ [illegible]

~~[illegible]~~ tradendum [illegible] et [illegible]

[illegible] quantum [illegible] intraecten [illegible]

[illegible] ~~[illegible]~~ in aliis nunc [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible], interesse

[illegible] [illegible] et [illegible]

[illegible] de [illegible]

in [illegible] iudicio de iure sibi competens et [illegible]

[illegible] [illegible] attingendo [illegible]

[illegible] Contra N.N. eandem et quantitatem [illegible]

[illegible]

[illegible]

[illegible] *signandam*

[illegible] condemnatos; [illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible] et [illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] eum [illegible] ad [illegible]

[illegible] ob continuos [illegible]

[illegible] ei [illegible] et ad [illegible]

Partitanei [illegible] cum [illegible]

adeo defaticatum, ac [illegible]

[illegible]

[illegible]

[illegible] Partitaneus [illegible]

[illegible] conclud[illegible] et [illegible] eius

Adiu[illegible] Condemnari ad eius [illegible]

[illegible] ad eius valorem [illegible] omnibus damnis a [illegible]

[illegible] se [illegible] Montana [illegible]

[illegible]

[illegible]

[illegible]

[illegible], quæ non esse debeant [illegible] illius [illegible]

~~[illegible] eiusdem~~ [illegible] ~~[illegible]~~ videre [illegible]
[illegible]

P.a facie ad favorem D. Montenegro [illegible]
quoniam, ut ex eius probationibus [illegible]
productam eliceri, eamus de [illegible]
[illegible] nulla[m] [illegible]
~~[illegible]~~ [illegible]
[illegible]
~~Commodatarium~~ ei non est [illegible] commodatum [illegible]
~~[illegible]~~ [illegible] certo loco [illegible]
[illegible] cum huiusmodi commodatarius
de casu fortuito non teneatur.

[illegible] ~~[illegible]~~ [illegible]
[illegible] non habeat, [illegible]
et est [illegible] prononciare.

P.a Commodatarium [illegible] commodatum [illegible]
teneri de levi et levissima culpa [illegible] commodatum
[illegible] ~~[illegible]~~ [illegible]
habeat. Modo an levis aut levissima culpa [illegible]
intervenerit in [illegible] commodati [illegible]
in attestationibus [illegible]
[illegible] Dominici [illegible] Testis omni ~~[illegible]~~ [illegible]
[illegible] ~~[illegible]~~ [illegible]
post [illegible] a die [illegible] commodati [illegible]
commodatum [illegible]
[illegible]
[illegible] ut [illegible]

[illegible] [illegible] [illegible] lornamente [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] uedito. ~~[illegible] [illegible]~~
~~[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]~~
~~[illegible] [illegible] i Partitare [illegible] le extendend~~ ~~[illegible]~~
~~[illegible]~~ ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]candum [illegible] [illegible]
[illegible] [illegible] etiam [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] explicando [illegible]

[illegible] necnon [illegible]

[illegible] vero [illegible]

[illegible] ideo ne [illegible] pulchritudinis ... facit [illegible]

ut probatur, [illegible] anno attingeret eum [illegible]

et idcirco [illegible]

[illegible] alterius [illegible] ita

[illegible] contendo et id notandum Partibus [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] relicta [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] contra et [illegible] heredes [illegible]

Mauti, de anno 1603 28. Augusti ~~se [illegible]~~

matrimonium legitime contra[illegible] [illegible]

dote ei constituta [illegible] [illegible] [illegible] in propriis bonis

[illegible] [illegible] [illegible] [illegible] fratris. ~~Bonis~~ mercatorum

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] tempore

[illegible] [illegible] [illegible] [illegible] exceptioni

[illegible] [illegible] [illegible] [illegible] ex [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] ~~[illegible] [illegible] [illegible] [illegible]~~ [illegible] [illegible]

~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] Anni;

[illegible] [illegible] fratris [illegible] [illegible] vitae [illegible] [illegible]

[illegible] ~~[illegible]~~ [illegible] [illegible] in eam [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] dictis [illegible] [illegible]

[illegible] [illegible] [illegible] dicta Actrix [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] pro [illegible]

[illegible] comunicare [illegible]

summarie compleri [illegible] cum qualitas [illegible] [illegible]

[illegible] et solvendum dotem [illegible] dictam [illegible] contradotem

[illegible] [illegible] [illegible]

[illegible] [illegible] cuius mariti [illegible] petitio a [illegible]

[illegible] cum omnibus damnis passis, et patiendis

[illegible] solemniter protestatur [illegible]

[illegible] [illegible]

[illegible] [illegible] exceptio [illegible]

[illegible] [illegible] debet [illegible]

habet a iustitia, ac si [illegible] huiusmodi [illegible]

[illegible] [illegible]

[illegible] [illegible] ad evitandam

[illegible] [illegible] contrarietatem [illegible] illutionem [illegible]

[illegible] dictam tamen debebat [illegible]

[illegible] exceptio [illegible]

[illegible] aut [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] attent

ut in [illegible] quo [illegible] attenuat [illegible] officialis [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] citatae Blatomo

[illegible] [illegible] [illegible] est exclusio [illegible]

[illegible] [illegible] [illegible] invenit [illegible] non repetunt

[illegible] adversarii [illegible] invenit [illegible] ad praecavendam illutionem

Beltrandi, quae [illegible] exceptionem, cum non sit [illegible] veritatis

[illegible] infirmat [illegible] exceptionem, cum non sit continua veritate

[illegible] [illegible]

[illegible] esset ei datam [illegible]

[illegible] [illegible] officiarum Laves nec domi [illegible], unde exceptione
seu [illegible] eius [illegible] [illegible], debet procul dubio [illegible]
eius temeritatem condemnari [illegible] non in expensis, [illegible]
[illegible] adeunda [illegible], item in ceteris quos omnibus a [illegible]
~~interpositione eius~~ provocationis ad hunc tribunal [illegible]
[illegible] [illegible]

[illegible] [illegible] [illegible] ut ex [illegible]
[illegible] Angelum [illegible] [illegible] Bononie [illegible] Jacobi
[illegible] ~~[illegible]~~ [illegible] omnino debet [illegible]
[illegible] [illegible] ~~[illegible]~~ donantis, voluntas ~~[illegible]~~
[illegible]; omnia namque [illegible] usque ad sententiam, que
~~[illegible]~~ diffinitivam obtinet [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] iudici ~~a quo~~ [illegible]
[illegible] [illegible], vel annullando [illegible] [illegible]
[illegible], [illegible] [illegible] ~~et~~ [illegible] [illegible]
[illegible] post illius [illegible] ~~[illegible]~~ [illegible], unde
[illegible] Joannes Baptista [illegible] debet [illegible]
ad [illegible] [illegible] Angeli ~~[illegible]~~ [illegible], cum [illegible], et [illegible]
mens resistat eius conamini; ~~[illegible]~~ neque [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] amplius [illegible] [illegible] summario, [illegible]
[illegible] sentiat se gravatum ad aliud [illegible]
[illegible] debet, [illegible] servato iuris ordine introducere
[illegible] [illegible] [illegible] [illegible], alias [illegible]
[illegible] eudem, et [illegible] iudices contra factum [illegible]

[illegible] et [illegible] instante [illegible] iudicatam [illegible]

Magistrum Angelum [illegible]

quia [illegible] inquisitioni [illegible] Baptista ad

declarationem ad petitionem Angeli [illegible] declarationi [illegible]

Baptista [illegible] remanente [illegible]

ad eius instantiam ~~terminus ac~~ [illegible]

~~cedentis~~ ad primam [illegible] fuit [illegible] in suo termino

cum adhuc neglexerit deducere de [illegible]

[illegible] ampliu[s] [illegible]

amplius ad alliga introducendum [illegible] petit admitti [illegible]

[illegible] controversia remanserit confirmata.

[illegible] [illegible] iure ac facto [illegible]

[illegible] petit, et instat Angelus [illegible] declara-

randum esse in decretis [illegible] expensis

Optime iuris fundam[illegible] se [illegible]

[illegible]

[illegible]

introducta [illegible] sententia negotium [illegible]

~~faciunt~~ nullam [illegible] ad [illegible] cedentis in [illegible]

[illegible] etenim in [illegible] quidem non facere adeo [illegible]

notissimum, [illegible]

[illegible] solum ad aliq[illegible] esse ad [illegible]

[illegible] sedes [illegible]

in contrarium [illegible] esse [illegible] quaestiones

[illegible]

[illegible] favorem admittamus [illegible]

[illegible] confessionis, et continentiae; sed [illegible]

[illegible]

[illegible] ... alta [illegible]

carent [illegible] [illegible]

[illegible] [illegible] gentis [illegible]

[illegible]

[illegible] amicitiis [illegible]

[illegible] introducunt; et

1 [illegible] quæ in uno

[illegible] contextu contractus faciem mutarit [illegible]

[illegible] qui in instrumento aliqua sint

[illegible] quæ derogent deductis in [illegible]

[illegible] sequitur quod tum fidei fide careat [illegible]

[illegible] ac instrumentum [illegible]

[illegible] [illegible]

[illegible] propter stantibus alterius dictis, ac [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] eam devenire [illegible] cum [illegible]

[illegible]

[illegible]

[illegible]

Poi dalla Munificenza [illegible] superiori affidato, ~~[illegible]~~ a qualche operationi, deve [illegible], ~~[illegible] da questa~~

Le gratie, che dalla Munificenza degl'Ill.mi Superiori vengono [illegible]
a [illegible] ~~[illegible]~~ [illegible] tempi ~~[illegible]~~ alcuno, [illegible]
[illegible] è chiaro in ogni tempo [illegible] et ottenire qu[el]
effetto [illegible] [illegible], ~~[illegible]~~ tale [illegible] [illegible]
[illegible] mente ancho [illegible] [illegible], che [illegible] [illegible] onde,
avendo ~~[illegible]~~ [illegible] Ill.mi [illegible] adretto ~~[illegible]~~ [illegible] [illegible]
[illegible] [illegible] di Gemona ~~[illegible]~~ di potere mediante
[illegible] habitanti [illegible] [illegible] estradere [illegible] [illegible] delle [illegible]
incluse [illegible] aggiunta, che [illegible] quella quantità [illegible]
[illegible] qual [illegible] [illegible] [illegible] [illegible] [illegible]
bisogno di quelli [illegible], che [illegible] [illegible] altro [illegible]
[illegible] ~~[illegible]~~ sua giustitia deve ~~[illegible]~~ [illegible]
continuare [illegible] [illegible] necessitati ~~[illegible]~~ [illegible] [illegible] [illegible]
tempo [illegible]
~~[illegible]~~ acciò [illegible] [illegible] [illegible] [illegible] mancante [illegible]
[illegible] quella [illegible], [illegible] seguitorono; Et [illegible]
[illegible] quella [illegible] quattordici, [illegible] stato [illegible], [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] di Gemona
[illegible] [illegible] [illegible] [illegible] [illegible]
dà Ministri [illegible] al [illegible] deve [illegible]
[illegible] [illegible] [illegible] a questo [illegible] [illegible] [illegible]
[illegible] dalla Gratia [illegible], et necessitato dal
bisogno della [illegible] [illegible] [illegible]

nella Villa di [illegible] una delle nominate [illegible]
la Bianca sudetta fu cavata dal [illegible]
condotta [illegible] con ~~molte indegnità dicendo à tutti~~
~~atti di giustitia distributiva~~, à fine che ~~[illegible]~~
il [illegible] una [illegible] loro, et la bona fede
di [illegible] e giudicii cò danno estremo della [illegible]
[illegible] la sudetta narratione
[illegible]
[illegible]
[illegible] et [illegible] concetto [illegible] sic?

Se è vero [illegible] et è che [illegible] dai
ministri de' detti Ill.mi Sig.ri Senatori alli Caradori [illegible]
[illegible] furono [illegible] della Villa
di Gazzano, condotti [illegible]
[illegible] Producente et ut?

Se la sudetta Bianca [illegible] altrimente dal qui d.o [illegible]
[illegible] nella Villa di Gazzano [illegible]
ma quella [illegible] et [illegible]
in quel loco, et ut?

Se 6 hore in circa doppo arrestata la Bianca [illegible]
licenza ~~detta~~ concessa di SS. Ill.mi [illegible]
quale mostrata à ministri sudetti quella [illegible]
obedire [illegible]
Se, et se la [illegible], et ut?

[illegible] an annotatio [illegible]

[illegible] habet iterum Judicum [illegible]

[illegible]

[illegible] quae distinctionibus [illegible]

[illegible]

[illegible] in unum et sibi adherens voluntarie

[illegible] voluntarie

[illegible] aliam Judicem habere id potuit

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] il gratie che per [illegible]

[illegible] comunica [illegible]

[illegible]

[illegible] calamitosi, [illegible]

[illegible]

[illegible] nella [illegible]

[illegible]

E se fu necessario altro [illegible]

la consecutione ~~del [illegible]~~ d'questa [illegible]

[illegible] ~~[illegible]~~

[illegible]

celesti [illegible] la Fede [illegible]

[illegible] communità [illegible]

[illegible]

[illegible] ~~[illegible]~~ nominate nella [illegible]

[illegible] et altre, private d [illegible]

[illegible]

[illegible]

[illegible] con [illegible] et io [illegible] [illegible] [illegible] [illegible]

alle [illegible] Salutationi che però se gli anestato, et [illegible]

[illegible]

[illegible] sempre [illegible]

[illegible] pensiero [illegible]

[illegible]

[illegible] se era di contrafare a' Piccha [illegible]
[illegible] delo sam.te [illegible]

[illegible] a' [illegible] un' delinquente
[illegible] fugit. [illegible]

[illegible] Alessandro nel [illegible] nel
[illegible] capitare a [illegible] per absolutioni
[illegible] se si [illegible] nel [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] uiam [illegible]
[illegible] omnia [illegible]
[illegible]

[illegible]

[illegible] statuare d. itaque ego [illegible] eius qui convenit [illegible]
[illegible] in devoluta [illegible]

[illegible] adeo [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ~~[illegible] inconveniens et cet~~

[illegible] ~~[illegible]uement~~ dicte [illegible]

[illegible]

... dilationibus debitis ... instanter in dicta causa ... appellant ad ... appellatione pendente ... innovari ... omni ... et ... omni meliori modo

[illegible]

Appellatio ... ad ... [illegible]

[illegible]

... reddendo ... [illegible]

[illegible]

[illegible]

[illegible] ... re [illegible] ...

[illegible] ... et [illegible] de [illegible] ...

[illegible] ... mobilia similiter [illegible] ...

[illegible] ... in [illegible] ...

— Joannis [illegible] eandem [illegible] magni [illegible] ...

[illegible] ...

[illegible] maij de eodem anno [illegible] valeat et [illegible]

inter [illegible] causis in ea [illegible] ...

[illegible] ... Magistri D. [illegible] ...

[illegible] ...

[illegible] in eo [illegible] ...

[illegible] ...

[illegible] ... ad [illegible], ut et ad alia

[illegible] ... donationem [illegible] ...

[illegible] ...

[illegible] enim ex instrumento [illegible] donatio [illegible] ...

[illegible] ... ut [illegible] ...

[illegible] ... uxori [illegible] ...

[illegible] ...

[illegible] ...

[illegible] in l. [illegible] donatione [illegible] Cod. eod., nisi [illegible] ...

et in [illegible] ...

Donatio [illegible] ...

[illegible] et [illegible] ex [illegible] bona [illegible] ...

[illegible] ...

[illegible] ...

Et in donatione [illegible] inter [illegible] ...

[illegible] ... uxori [illegible] ...

nec [illegible] nec in [illegible]

et [illegible] mandato

[illegible] omi [illegible] et

[illegible]

[illegible] co[illegible]

[illegible] affectu [illegible]

[illegible] conu[illegible]

[illegible]

[illegible]

[illegible] reliuissem et ininaiare[illegible]

[illegible] ... in quodam vocatisimus et

[illegible] ~~[illegible]~~ [illegible]

pro integro [illegible], quod unumque occurrerit.

[illegible]

[illegible] dissuare et [illegible]

[illegible] relinque[illegible]

[illegible]

[illegible]

[illegible] et [illegible] [illegible]

[illegible] Andrea modo [illegible] [illegible] [illegible]

[illegible] et [illegible] [illegible] [illegible]

[illegible]

[illegible] de [illegible], vel [illegible] ad [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] tauté [illegible]

[illegible] hatcat Ves [illegible]

[illegible]

[illegible] gufech [illegible]

[illegible]

[illegible] Halnese [illegible] dermeuring

[illegible] commission [illegible]

[illegible]

[illegible] anno [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] duos campsorum in Cremonensis [illegible] [illegible]

[illegible] Legis municipalis [illegible] [illegible]

agnationis, cum alias [illegible] [illegible]

et de de causa deductis [illegible] [illegible]

[illegible] illius [illegible]; tandem [illegible] [illegible]

habet
novit, ex declaratione, qua presentatur; ~~[illegible]~~

~~[illegible]~~ ex qua [illegible] cognoscitur, quod cum ex [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] molestia [illegible] [illegible]

[illegible] [illegible] ~~[illegible]~~ [illegible]

[illegible], tunc temporis ~~[illegible]~~ [illegible] [illegible] curavit

[illegible] [illegible] [illegible]; sed [illegible]

[illegible] [illegible] [illegible] dicta [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] ad [illegible] [illegible]

[illegible] [illegible] [illegible] idoneam [illegible]

[illegible] ~~[illegible]~~ teneret, de eximendo, et [illegible]

[illegible] [illegible] molestia, que [illegible] posset [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible]

[illegible] ex parte sua [illegible] ~~[illegible]~~ [illegible] [illegible]

[illegible], que [illegible] ab alio [illegible] cognosceret

[illegible] [illegible] illius [illegible]

[illegible] contra [illegible] [illegible]

[illegible] [illegible]

[illegible] ... amplius [illegible] [illegible]

[illegible] ... [illegible]

[illegible] ... habent eorum collectionem; cui [illegible] mandato

[illegible] ...

[illegible] ... tollet

[illegible] ...

[illegible] ... remitte ... [illegible]

ad collectionem dictorum duorum campiorum inire [illegible]

[illegible] cum Dno Federico [illegible] de anno 1727

celebrati; Unde an modo dictus Federicus vel

[illegible] debeat condemnari ad alterum

[illegible] vel [illegible] ad tradendam [illegible]

[illegible] ...

[illegible] ...

[illegible] ...

[illegible] namque R.mus Dnus Iudex [illegible]

[illegible] eiusdem [illegible] [illegible]

[illegible] [illegible] quaestiones

[illegible] ... occasione contractuum

[illegible] ... dictos duobus cam[illegible]

[illegible] ...

[illegible] ...

[illegible] ... contendit [illegible]

[illegible] ...

[illegible] ... inter

[illegible] ... 1727

[illegible] ...

cum ratio, et causa dicti §, debent; modo vera [illegible]

ad[illegible] obstat [illegible] retractionem [illegible] et ad[illegible]

[illegible]; sequitur quod dictus, vel [illegible] de

suo in actu quod editum, condemnari, et consilii debere

[illegible]

[illegible]

[illegible]

[illegible] quia respondet, quod ipso eam

retinuit animo [illegible]

et si eam [illegible]

[illegible]

[illegible]

ex [illegible]

aut privilegio, [illegible]

[illegible]

[illegible]

quod in eum Agnationis [illegible] modo ex [illegible]

[illegible] quia obstat huiusmodi

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] capitulis

[illegible]

[illegible] ad [illegible] ad [illegible]

[illegible]

[illegible] ad extenti.

[illegible] certa [illegible]

[illegible] tum [illegible]

[illegible] cedant [illegible] summa [illegible] capitulis [illegible]

[illegible] autem [illegible]

[illegible] in [illegible] parte et hoc [illegible]

[illegible] et [illegible]

[illegible] et [illegible]

[illegible] et acceptatis [illegible]

[illegible] sanctions [illegible] [illegible]

[illegible] [illegible] [illegible] et maillequam [illegible]

[illegible] [illegible] Tullana [illegible]

[illegible] et [illegible] [illegible] qualis [illegible]

[illegible] a [illegible] petitum.

[illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible] de quo in d[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

Fabii [illegible] in [illegible] contra [illegible] quo [illegible]
[illegible]
[illegible]
Aretano anno 1571 [illegible]
[illegible]
[illegible]
[illegible] pro d. [illegible], ut [illegible] in instrum[ento]
[illegible] confect[o] [illegible]
[illegible] annect[unt]ur quo[rum] instrum[enta] [illegible]
[illegible]
[illegible] ex quorum [illegible] constitutum [illegible]
[illegible]
inter [illegible] [illegible]
[illegible]
[illegible]
[illegible] ut [illegible]
[illegible] facta eodem anno [illegible]
[illegible] tempore [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
1015 [illegible]
[illegible] pro Capitali [illegible]
[illegible] cum [illegible]

... anno 1614

ult.a ... obtinuit ... contra ...

... ad eo ...

de quibus in calce inventarii

ad effectum ... satis ...

et in ... fol. 20

... Bona ut supra inventata ...

usq. ad summam ...

... fuit ...

... tatis camerum de quibus

mobilibus ...

Bona in hereditate q.m eius mariti

Jo. Octavianum et ...

constat ex inventario ... 11 maii fol. 20 ex. ...

... 1614 ...

... alias ... q. eius mariti ... Antonii ...

[illegible]

[illegible] ad [illegible] de [illegible]

[illegible]

[illegible] et regredior moderari et ipsum [illegible] ad ea committendum, et libere

[illegible] separation[illegible]

[illegible]

[illegible] tam erat contenta et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ut de [illegible]

[illegible] continuis consiliis

[illegible] venit [illegible]

Una [illegible] ~~constet~~ in bonis [illegible]

[illegible] constet [illegible]

um [illegible] meschionis, quod in hereditate principalis

[illegible]

[illegible] extent bona [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] tam, et inde [illegible]

[illegible] nec contrarium [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Ex[illegible]

[illegible]

[illegible] et [illegible] quia

[illegible] contraditor [illegible]

[illegible] ratione [illegible] ad tempus contractus [illegible]

[illegible] contradictor [illegible] tempore [illegible]

[illegible] conditione [illegible] alias [illegible] adveniente [illegible]

[illegible] debet [illegible]

[illegible] sic firmatur quod bona [illegible] tempore [illegible]

[illegible] ex [illegible] talia [illegible] Ricarda [illegible]

[illegible] conditionem [illegible] in [illegible]

[illegible] modo [illegible] de [illegible]

[illegible] Ricardo

[illegible] illumination[illegible]

[illegible] dissolu[illegible]

[illegible] et aberratio qui[illegible]

[illegible]

[illegible]

[illegible]

[illegible] sequitur quod [illegible]

[illegible] [illegible] [illegible]

[illegible] exercitii [illegible] [illegible] absolut[illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible]
[illegible] mandatum [illegible]
[illegible]
[illegible]
iocuit et [illegible] in huiusmodi dilectatione ut de
[illegible]
[illegible] principalium [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Quia confirmatione mandati [illegible]
q.d. Marie eius principalium [illegible]
Sebastiani Mirini Andras [illegible]
declarari, posse fieri satis et accep[illegible]
[illegible]
[illegible]
[illegible] modo ab eius heredibus
[illegible] cum debitis interventionis
[illegible] et [illegible]
[illegible] declarari dandas et
[illegible] exequendum cum

et [illegible] ne [illegible] fides ~~et~~ Gabrielli ~~et~~ quo ad
[illegible] conditionem et quo ad executionem [illegible] ignari
[illegible] [illegible] eius [illegible] agnovit [illegible]
[illegible] [illegible] [illegible] locatione cum eo facto
[illegible]
[illegible] cum eo [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible]
[illegible] ac [illegible] [illegible]
[illegible]
[illegible]
[illegible] ~~[illegible]~~ in [illegible]
[illegible]
[illegible]
[illegible]
[illegible] qui [illegible]
[illegible] modo [illegible]
[illegible]
[illegible] qui non alia [illegible]
[illegible] ~~obtinendi quod ei [illegible]~~
[illegible]
[illegible] ad [illegible]
[illegible]
[illegible] modo [illegible]

[illegible] modo contendit
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] questione An videlicet [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] illius [illegible] 20

[illegible] omne et [illegible]

[illegible] quemadmodum [illegible]

[illegible] de [illegible]

[illegible] est [illegible] et ita [illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible]

... alia ... [illegible]

... conis ... [illegible]

... [illegible]

... nem ... intentionem ... [illegible]

... tas ... [illegible]

... Castona ... [illegible]

... [illegible]

... suisse ... [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

P[illegible] iuxta [illegible] l. [illegible] in [illegible] [illegible]

atur [illegible] casus a regula [illegible] nempe [illegible]

[illegible] damnu [illegible] nō possit ex damno conueniri, sequit[ur]

[illegible] omnem casum contrarium practicari debeat

[illegible]

[illegible]

[illegible] et stabularius mercedem accipiunt

[illegible]

[illegible]

mercedem accipiunt, neq[ue] 20

[illegible] adeo namq[ue] [illegible] imo Praetor an

[illegible] edicto dat actionem viatoribus deurbatis.

ten[illegible] fortuitus furtum nō conueniat, ut [illegible]

[illegible] et ita [illegible] fuit [illegible] nouissime [illegible] eod. ubi furti [illegible]

[illegible] quidem minime faceret [illegible]

[illegible] fortuitus furtum [illegible]

[illegible] contrar. [illegible]

[illegible] edicto cauiam [illegible]

[illegible] eadem tit. [illegible] col. et in max ab [illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

~~fuit 2da arbitraria~~ nõ ~~etiam~~ (uti ~~[illegible]~~) nõ ~~ab arbitris lecata~~, ~~et~~ a' [illegible] [illegible], minime [illegible]

[illegible] tm ad effectum obtinendi executionem ~~sententie~~ 2da [illegible] et Andreas [illegible] eandem produxit, quantum [illegible] eam iustitia pateat recessum fuisse per consensum ambarum partium a pa [illegible] compositione ~~in [illegible] modi [illegible]~~ [illegible] ~~[illegible]~~

Executio [illegible] inobediens fuit et [illegible] quaeritur an legitime; [illegible] [illegible] Gallatum emissa [illegible] est admittendum ut enim ex [illegible] patet ~~[illegible]~~ emanavit ~~ex~~ sententia ~~[illegible]~~ arbitraria ~~[illegible]~~ ~~[illegible] et a [illegible] decreto firmata [illegible]~~ munita decreto et interpositione auctoritatis iudicis ordinarii [illegible] ab eodem met executioni demandatam unde ~~[illegible]~~ [illegible] mediante muliere extitit inobediens [illegible] nõ [illegible]

[illegible] executioni mandari [illegible] [illegible]
[illegible]
inobedientia [illegible] quaelibet parte [illegible] ~~[illegible]~~ [illegible] debet ~~[illegible]~~ et utilissimum quando committatur ad impediendam [illegible] executionem [illegible] et [illegible] [illegible] quis [illegible] [illegible] nõ obtemp. et [illegible] [illegible] ne [illegible] [illegible] nec [illegible] donec in inobedientia [illegible] ~~[illegible]~~ [illegible] est audiendus, ne ~~[illegible]~~ [illegible] [illegible] [illegible] ita [illegible] [illegible] unde [illegible] debet nec stare [illegible] appellatio [illegible] et Joannem [illegible] [illegible] petita [illegible] a sententia [illegible] iudicum [illegible] quam arbitraria [illegible] [illegible] [illegible] Gallatum ex una, et [illegible] ex alia executioni mandabat; ~~[illegible]~~ ~~et erat mandata~~, fuit namque [illegible] mediante [illegible] inobediens executioni [illegible] Gallatum ~~[illegible]~~ extra [illegible] ~~emittam~~, ~~unde~~ [illegible] [illegible] te [illegible] emissam ut patet ex [illegible] [illegible]

Ex quibus [illegible] [illegible] [illegible] Gallatius [illegible] [illegible]
[illegible] [illegible] iudicis [illegible] iudexque [illegible] est ei [illegible] et [illegible]
[illegible] [illegible] et ea [illegible] in [illegible]
nec audiri nimis ad ~~docendum~~ contradicendum vel de attento
eius contradicenti [illegible] docendum admitti debet ante [illegible]
inobedientiam, et [illegible] a [illegible] ei
inflicta in casu inobedientiæ, [illegible] ~~[illegible]~~
~~[illegible] et esset quod~~ inobediens ex eius ~~[illegible]~~ deiecto delicto
enim inobedientia quia ~~[illegible]~~ [illegible] commodum [illegible] quod tollerari non est quod

Quocirca antequam [illegible] exceptionem infectam in ultima
[illegible] [illegible] [illegible], disponere [illegible] ~~debet~~ debet [illegible]
[illegible] eius [illegible] [illegible] iuxta declarationem
[illegible] cum hac inobedientiam medicina, et [illegible]
[illegible] introducte et ab inveteratissima contumacia
[illegible] quo facto [illegible] [illegible] [illegible]
[illegible] quo ad meritum causæ ad [illegible] eius [illegible] [illegible] index
[illegible] modo devenire [illegible] et attentatum [illegible]
[illegible] debet ad [illegible] [illegible]
[illegible] et [illegible] 4 [illegible] et [illegible] de fideicommiss. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] et [illegible] de quibus et l. [illegible] de [illegible]
ff. de leg.

[illegible] [illegible] [illegible] [illegible] della tenuta de beni [illegible]
[illegible] del [illegible] Principe [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
Villa di [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] Giacomo [illegible]
[illegible] Enrico [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Henrico [illegible] figliolo et figliola della [illegible] Andriani

di d.o C. [illegible]

[illegible] et [illegible] le partite del censo [illegible]

dalle quali appare [illegible] [illegible] a [illegible]

~~[illegible]~~ are

è noto, che è di pagare annualmente come [illegible] sempre

è stato pagato [illegible] da [illegible] et da [illegible]

come dalli [illegible] nelle loro ragioni [illegible] 4

[illegible] contadi [illegible] 2 25 [illegible]

inherente instanza ~~che~~ d'essere ~~[illegible]~~ [illegible]

detti [illegible] tenuti et [illegible] [illegible]

[illegible] come [illegible]

[illegible] a ciascun altro [illegible]

et [illegible] ~~[illegible]~~ a cui [illegible]

[illegible] et fa inherente instanza mediante

[illegible] Denuntiando

[illegible] locatione [illegible] a [illegible] ma

anco [illegible] continuatione della [illegible] ~~[illegible]~~ [illegible] et [illegible]

[illegible] et dentro ~~[illegible]~~

[illegible] ~~[illegible]~~ termine succedere ad [illegible]

[illegible] et [illegible] mediante [illegible]

stimatio ... etiam ... de olis ...
obtente, ... relaxata ... ... in ...
de qua in Processu confirmari debet ...

de locatione ... et conductione ... respective ...
...

locatio et conductio ... mediante ...
... et ...
... confecta ... de ...

concurrentiis

... de anno 16... a ... in ...
... locatione ...

... et ... locatione ... continuati
in locatione conductione ... ad
continuantur de annis proc...
... ita ut ...

debitor L 158 ... et ...
...
... in locatione ...
... anno ...
... dicta ... conducti ...
ab ...
...
et ... mediante ...
...
...
16 ...
...
ad ...

modo sit auctoritate iudice nullo modo inficiari potest. Unde obtimo iure fundamento se appellavit D. Sebastianus q. Dominici a Sententia contra

voluntatem et a nota ... ex mandato ... iudicis ~~et omnis~~

~~quidem invalidam et quo ad ordinem, et quo ad meritum~~ iniusta fu-

it et quo ad ordinem et quo ad meritum undique deseris; quo ad

ordinem quia legitimis dicta ab incompetenti iudice prout ex

necessitatis appareret quo ad meritum quia contrariatur et obviat

deliberationibus ~~p. iudic~~ decretatis in ... quam D. Sebastiano

obtinuit ~~mandatum~~ ulteriori et mandatum. Unde stantibus

mittis et factis loco et tempore dicendis considerandis et

allegandis erit legitime interveniens ... D. Sebastiano

dicendam ... et bene appellatum ~~et in melius~~

~~Sententia reformata eius confirmari mandatum~~ annullari

Sententiam illius ... seu ea in melius reformata

... ... et ...

Heredes q. D. Ioa. Baptistae ... de Rozareto ... in

~~attent~~

... ~~... et ... A ... q. D.~~ D. Ioa. Baptistam ab ...

... ... locatione et ... ~~...~~ ...

et ... ... ad ... ...

conducta reduxerunt ipsi heredes et ... non patitur, ut modo a locatione et ...

... recedere possint ... ...

cognoscatur interveniunt ita ~~...~~ ... ...

minus ab aliis eandem causam ... quod evenit et ...

est culpa et facto ... D. ... ...

... heredes ... ...

ad cuius decisionem [illegible] ad curiam [illegible] debeat teneri
auctores, atque [illegible] unius [illegible] ad debeat [illegible]
[illegible] orationem continuare debere
annullata qualibet enuntiatione; neque solutione [illegible]
aliasque [illegible] Eminentissimi
[illegible] [illegible] [illegible]
[illegible] anno [illegible] et [illegible]
eos [illegible] [illegible] modo continue a [illegible]
omni [illegible] ex [illegible] actione, et [illegible]
~~[illegible]~~ [illegible] [illegible]
[illegible]
[illegible]

[illegible] Jacobo [illegible] ad [illegible] Oratio et [illegible]
[illegible] cum [illegible]
cause omni [illegible] iustitiae et rationi [illegible]
volens [illegible] cum [illegible]
[illegible] in omnibus [illegible] et [illegible]
[illegible] [illegible] [illegible] intentionibus
[illegible] [illegible] formati manu [illegible]
[illegible]
[illegible] le [illegible] et [illegible] enuntiat, [illegible] et se
obligatus [illegible] [illegible]
[illegible] [illegible] Oratio et [illegible]
[illegible] 20 [illegible] modo [illegible]
[illegible] sententia, et unius [illegible] in anno, obligans
[illegible] [illegible]
[illegible] sententiae et [illegible] ac [illegible]

ultra tandem autem hoc d. capitali [illegible] intricato [illegible]

tantum [illegible] nomine [illegible] videns et intentus

ex nunc [illegible] in [illegible]

[illegible] delusione in ratione ut [illegible]

[illegible] ilico [illegible]

[illegible] et [illegible] facere bona [illegible]

[illegible] pro [illegible] satisfactione [illegible]

[illegible] tendentie [illegible]

[illegible] quorum [illegible]

[illegible] a Porta per [illegible]

et [illegible] intelligit [illegible] actus contentamenti [illegible]

ex nunc [illegible] mensis [illegible]

[illegible] modo delusione [illegible] contentavit [illegible]

[illegible] voluntatis ac contentamenti

[illegible] et [illegible] in [illegible]

[illegible] in tempore [illegible]

[illegible] una [illegible] in [illegible]

[illegible] clara [illegible] dispositione

[illegible] et [illegible] introductus quod

videlicet [illegible] in [illegible]

[illegible] [illegible]

[illegible] etenim quod una [illegible] Pater [illegible]

[illegible] ex [illegible]

[illegible] et in orationis [illegible] bona

[illegible] et [illegible] eidem Pater

[illegible] eius [illegible] et [illegible]

[illegible] cognoscendo [illegible]

[illegible] et [illegible]

Assumunt [illegible] similiter mentis
[illegible] eo effectu [illegible] dicti simonis
eiusdem nationis [illegible] in curia et eodem modo eo [illegible]
[illegible] esse notorium et probatis quatenus
[illegible] contracto de ocatione [illegible] constat [illegible]
de debito et credito [illegible] simonis [illegible]
et tandem contracto de conductione
[illegible] de ocatione [illegible]
de eiusdem simonis debito et [illegible] credito [illegible]
[illegible], ex consequentia [illegible] eo dicto simone
[illegible] et tandem eo de conductione [illegible]
rex continuatione et [illegible]
[illegible] ocatione [illegible]
correctione [illegible] ulterius
[illegible] cum coherentia istius castelli [illegible] eiusdem nationis
[illegible] condemnanda [illegible] eo [illegible] debita istius simonis [illegible]
quos ad solutionem dictam [illegible]

[illegible] dominum [illegible] tali quali libello [illegible]
[illegible] Ioannis [illegible] eius [illegible] et [illegible]
[illegible] dicit
[illegible] nullam [illegible] habuisse [illegible]
[illegible] intercedenti [illegible] de causa [illegible]
[illegible] Ioanne [illegible]
[illegible] adversario [illegible]
et [illegible] eius [illegible] contemptibile
[illegible] compellere eum modo [illegible] dicti
[illegible] dicte [illegible] sunt in eo
[illegible] in quantum [illegible] bona [illegible]
dicti Ioannis [illegible] in quibus [illegible] habere [illegible]
[illegible] contingeret [illegible]
[illegible] et [illegible]
[illegible] tali quali libello [illegible] quae de [illegible]
[illegible] dicto tali quali libello [illegible]

[illegible] dicti [illegible] cum cuiusdam [illegible] habens [illegible] nulliter

nadā loquitur, et ~~quae~~ asserta introducunt et [illegible]

[illegible] caveat, ut [illegible]

locus [illegible] fiat, [illegible] unusquisque quod [illegible]

libere possit, petit [illegible] declarari [illegible]

[illegible] appellatis [illegible] ut [illegible]

[illegible] eius honorum [illegible] possit [illegible]

[illegible]

~~[illegible] ex deductis in [illegible]~~

[illegible] de quibus modo inter [illegible] Adam uxoris [illegible]

et [illegible] contra [illegible] fuisse [illegible]

q. [illegible] Petrum [illegible], et Valentinus [illegible] et ab eodem Valentino [illegible]

~~[illegible]~~ [illegible] Actoris [illegible] ex [illegible]

[illegible] inde ~~[illegible]~~ quaestio [illegible] qua venit [illegible]

[illegible] est, an [illegible] Valenti

Tum in [illegible] fuit [illegible] Valentinus [illegible] ~~et~~ [illegible]

[illegible] et quiete in [illegible], donec

[illegible] emisit [illegible]

[illegible] et [illegible] eius [illegible], delixit [illegible]

Petrus [illegible] Valen. inde [illegible]

[illegible] vocari debeat [illegible] ~~[illegible]~~ dicentes [illegible] ex [illegible]

[illegible] [illegible] [illegible]

dicti [illegible] ~~[illegible]~~ [illegible]

[illegible] et [illegible] et alii [illegible] une

[illegible] dicti Valentini [illegible]

[illegible]

Quaestio [illegible] qua modo controversia inter D. Dominicum Adam [illegible] ex una, et D. Leonardum [illegible] [illegible] [illegible]

numquid ad [illegible] Valentini Gattani [illegible]

Patris Mariae [illegible] [illegible] Adam et fratris Dominicae

[illegible] D. Leonardi [illegible], admitti [illegible] dictae Dominicae [illegible]

[illegible] Valentini uel Maria [illegible] et eadem

[illegible] [illegible] [illegible] [illegible] [illegible] auctore [illegible]

Patris tituli debeat; ita ut [illegible] [illegible] [illegible] [illegible] [illegible]

obtinere valeat. –

[illegible] Antonia mater Dominicae et

[illegible] Mariae [illegible] [illegible] [illegible] [illegible] [illegible] tulerint

[illegible] dicti D. Valentini [illegible] [illegible], ea [illegible] et

[illegible] alienando [illegible] [illegible] dicta alienationes [illegible] et

annullari debeant. Huiusmodi [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] quibus de [illegible] [illegible]

[illegible] [illegible] tempore [illegible] [illegible] [illegible]

Iuris Municipalis, et Iuris [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] notari [illegible]

[illegible] [illegible] [illegible] ut [illegible]

[illegible] quae de iure [illegible] [illegible] ex [illegible] [illegible]

[illegible] [illegible] [illegible] descendentium et collateralium [illegible]

quando unus videlicet [illegible] [illegible] [illegible] vindicat [illegible]

[illegible] [illegible] [illegible] nulla inter se

quo ad [illegible] [illegible] [illegible] femininum [illegible] habita

ita ut unusquisque descendentium [illegible] [illegible] [illegible] [illegible]

gradus omnibus ascendentibus et [illegible] lateris [illegible]

[illegible] [illegible] [illegible] [illegible] ab intestato [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est ex [illegible]

[illegible] [illegible] Maria [illegible] [illegible] [illegible]

gradu, prout patet quia est filia defuncti Valentini

~~[illegible]~~ [illegible] est ex collaterali [illegible] defuncti [illegible]
[illegible] ~~[illegible]~~ dominica sed [illegible] [illegible] et [illegible]
debet ad [illegible] bonorum [illegible]
eius patre [illegible] [illegible] [illegible]
~~[illegible]~~ ~~statutaria~~ ex [illegible] ~~cuius bona uerba~~
sub rubr. 145 cuius circa [illegible] sic [illegible] formalia [illegible]
[illegible] extarent [illegible] descendentes
[illegible] [illegible] masculi ac [illegible]
[illegible] masculina, ut supra dictum est, [illegible] descendentes
[illegible] ad [illegible] in [illegible] in bonis
[illegible] [illegible] defuncti sine [illegible]: [illegible]
de cuius [illegible] ~~[illegible]~~ nullus ex [illegible]
descendens [illegible] [illegible] [illegible] ad eius
[illegible] a [illegible] [illegible] exclusa
[illegible] ex latere ueniente. claud itaque extat ~~[illegible]~~
[illegible] et [illegible] ad [illegible]
[illegible] [illegible] ~~[illegible]~~
~~[illegible]~~ [illegible] ex quo [illegible]
[illegible] [illegible] in [illegible] aetate decessit [illegible]
[illegible] [illegible] cadens [illegible]
defuncti eius filij [illegible]
[illegible] nihilominus ad eam [illegible]
ex [illegible] statutaria admitti debet [illegible] ~~[illegible]~~ [illegible]
[illegible] nullum ~~[illegible]~~ esse [illegible]
post se ascendentem ex [illegible] quo
casu ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] uerba statuti sub eadem [illegible]

Firmato [illegible] primo puncto venio ad 2dum et dico
[illegible] Mariae [illegible] habere
[illegible] venditionis Antoniae [illegible]
filiae matris [illegible]
[illegible] et fratris [illegible]

[illegible] ut huiusmodi bona [illegible] ab [illegible]
et filiae quorum [illegible] distracta aut [illegible] in quibus
[illegible] administrationem [illegible]
[illegible] venditio [illegible] quia [illegible]
[illegible] et processione [illegible] fuisse et [illegible]
[illegible] distraxerunt pariter [illegible]
male gerunt [illegible] tutores [illegible]
[illegible] potuerunt [illegible] nec [illegible]
[illegible] cognitione et [illegible]
[illegible] id agere [illegible] ad tutori [illegible]
[illegible] alienare res minoris [illegible]
[illegible] et [illegible]
[illegible] utique eis opus [illegible]
fuisset in iudicio [illegible]
[illegible]
[illegible] auxilio [illegible]
[illegible] matri et filiae [illegible] mulier
tutel. [illegible] quae ad [illegible]
[illegible] Mariae [illegible]
[illegible]
[illegible] et filiae [illegible]
[illegible] contractus [illegible]
agere [illegible]
[illegible] agere debet [illegible]

... Dni Leonardi ...

... de anno ...

annis ... fundati ...

... et qui in solutionibus annuis ...

... notis in ...

nomittendi

omittit debitas ... omnino

... Invitatione calculati

... interdicti ...

... Colendissimi ... confecti.

... Calvin

[illegible]

[illegible] nele agitur [illegible] deditum [illegible]

[illegible] Inter [illegible]

nulla [illegible]

affirmat Bart. in l. [illegible] de iure [illegible]

[illegible]

[illegible] est [illegible]

[illegible]

[illegible] quia libellarius [illegible]

[illegible]

[illegible]

[illegible]

[illegible] pro tempore [illegible]

[illegible] [illegible] ~~mihi~~ [illegible]

[illegible] quatenus [illegible]

[illegible]

[illegible] vitam communem [illegible]

[illegible] ~~[illegible]~~ [illegible]

[illegible] et unius [illegible] habet ex [illegible]

[illegible] continentis [illegible]

[illegible] eius vicarii pro tempore [illegible]

[illegible] debeant esse aestimationis [illegible]

[illegible] communis [illegible]

[illegible]

[illegible] decidit [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] dicit id potissimum est qui in omnino [illegible]

[illegible] decisioni [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

... liquidationis et executionis contentis
... contentis [... dentaxand ...] ...
... in articulatis instructionibus in
... ad descendentes et heredem
... Ioannes ... in ...
... antecedentibus in antiquis ... testes
de auditu ... ... in l. testium
... de testib. Bald. in l. conventicula illicita
... Bart. in tract. de testib.
... Bald. in l. ... auctor
... sibi locum vindicat
quando ab antiquioribus audivisse deponunt ...
... 47 ... et ita
et credere dicant et ita credere dicant
... in cons. 62 ... et in cons. 46
... in ... 4 ... qui
adminicula ... ... depositis
... cognoscere ... ex similius
... ...
...
...

al giudice [illegible] S. Iacomo [illegible] [illegible] introdotte quanto
la giustitia di [illegible] SS. [illegible] [illegible] a fatto [illegible] [illegible]
[illegible] et [illegible] [illegible] fondam.^ti [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] presentata [illegible]
[illegible] a [illegible] atione a S. Iacomo [illegible]
[illegible] essendo [illegible] dal giuram.^to di chi
[illegible] [illegible] corroborata da giuditio [illegible]
[illegible] [illegible] SS.^rie [illegible] [illegible] [illegible] desideri
[illegible] di [illegible] ~~[illegible]~~ sent.^e le quali [illegible]
delli [illegible] di [illegible] riferiti [illegible] [illegible]
[illegible] et [illegible] d'alo [illegible] [illegible] [illegible] portano
il nome dal quale [illegible] le [illegible] [illegible]
[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] questo
[illegible] [illegible] [illegible] da questo hano tentativo
~~[illegible]~~ di [illegible] ~~[illegible]~~ [illegible]
[illegible] ~~concedere [illegible]~~ del giuram.^to ~~[illegible]~~
~~et~~ [illegible] interpositione del ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible] dalle
ragioni che qui [illegible] [illegible] dalle quali
la somma prudenza di [illegible] [illegible] conosceranno q.ti
indebitam.^te ~~[illegible]~~ [illegible] quello che [illegible] [illegible]
confusam.^te nella [illegible] [illegible] [illegible] [illegible]

li richieste in altre divisioni dette seguite
fra Nicolo Pie dell'Incisa, et Rinaldo [illegible]
[illegible], et [illegible] uniti l'anno 1609.
Et tutte [illegible] quell'anni seguirono divisioni [illegible]
[illegible] lui Pie et ne [illegible] uniti di commissione
[illegible] fatta nelli 9. [illegible] del Monaco
et Bernardino [illegible] con noi [illegible] et
le [illegible] affettionate cotali divisioni [illegible]
stetti [illegible] di noi [illegible] difficultà le
quali essendo da [illegible] comuni amicitate
maneggiate [illegible] ridotte avanti
[illegible] et [illegible] dipendendo di
[illegible] avanti il quale risportassimo [illegible]
[illegible] li medesimi Arbitri divisori, li quali l'anno
[illegible] haveuano terminato le [illegible] noi tutte
le [illegible] all'[illegible], dovessero
di nuovo [illegible]
pondessero [illegible] restavano [illegible]
[illegible] altro qual terminatione [illegible] et
[illegible] li detti arbitri [illegible] haver
considerato [illegible] il tutto.
[illegible] confirmorono la loro [illegible] divisione
[illegible] l'anno 1609 in tutte le sue parti

eccellenze circa la differentia del quartese tra
dui suoi vicariati [illegible] et Mita di Mellette
nella quale si dechiararono discordi et cosi
questo particolare resto indeciso essendo questa
questa ultima terminatione arbitraria derivante
da commando supremo stato preposto à tutte
l'altre arbitrarie ò loro compositioni fatte
dalli [illegible] suoi presente, et sopra [illegible] la onde restano fondamenti del suo avversario et sue intelligenze
[illegible] sopra quelli poggiate
Et il far vieder le parti ~~tonate~~ delli Serenissimi
[illegible] ad affitto del Rio Spital [illegible] non è
conveniente perche ~~se le~~ [illegible] si sono
[illegible] assegnate, et però à quelle
debbiamo [illegible] tal arbitraria in questo
individuo [illegible] dipendendo da [illegible]
[illegible] corte che si tiene in [illegible]
[illegible] stante [illegible] alterare
il terminato [illegible] come non è ancho [illegible]
che si facia, perche se la parte che tocò al
Prè di [illegible] dovesse sarà andata
inculta et la mia sarà stata lavorata [illegible]
~~[illegible]~~ di [illegible] dare [illegible] ricolte
nè ancho [illegible] fatiche [illegible], et

et per anco in questa parte [illegible] d'esser [illegible]

[illegible] fiorentina, et [illegible] nel compromesso fatto

nelle [illegible] dell'Ill.mi Ecc.mi viene anche a

me assetta strada d'[illegible] le mie [illegible] contro

[illegible] alcuno [illegible] fi ancora lo [illegible]

[illegible] che l'Ill.mi Ecc.mi lo condannino a

[illegible] presenta che è la [illegible]

[illegible] di [illegible] [illegible] (il capitale de quali) a lui tocca in parte a

conto delle divisioni [illegible] pagare [illegible] alli Ill.mi [illegible] et che

[illegible] Ill.mi restano pagare [illegible] fatta condannare

et [illegible] suoi [illegible] sottoporre [illegible]

a [illegible] fare: [illegible] ~~[illegible]~~

e [illegible] ~~[illegible]~~ lo [illegible] questo

~~[illegible]~~ essendo stati dalla giustitia

[illegible] ~~[illegible]~~ ragionevole quello [illegible]

a [illegible] ~~[illegible]~~ che et [illegible] [illegible]

[illegible] che [illegible] havere [illegible] alcuna

[illegible] nella dette divisioni et [illegible] [illegible]

[illegible] di [illegible] [illegible] [illegible]

che a [illegible] [illegible] a [illegible]

il soldato [illegible] commune, essendo [illegible]

carichi [illegible] essendo stati ancora

in [illegible] delli [illegible] adesso [illegible]

[illegible]

[illegible] ~~[illegible] to [illegible]~~

~~[illegible]~~

hypothecam in matrimonii contractu [illegible] instrumenta

[illegible] tacitam a lege in omnibus [illegible]

[illegible]

pro eius dotis manutentione. ~~[illegible]~~ obligatam [illegible]

[illegible] lex 1. [illegible] Cod. [illegible]

[illegible] conservatio [illegible]

[illegible] et [illegible] contractum [illegible]

[illegible] instrumenta [illegible] fuerit ~~[illegible]~~

~~[illegible]~~ Sabeti [illegible]

[illegible] quod [illegible]

[illegible] ~~[illegible]~~ condicione carnali, ~~[illegible]~~ [illegible]

[illegible] condicione [illegible]

[illegible] ~~[illegible]~~ condicionis ad [illegible] ~~[illegible]~~ contractus

~~[illegible]~~ [illegible] matrimonii [illegible]

[illegible] ~~[illegible]~~ [illegible] ~~et [illegible]~~ [illegible]

condicione [illegible] contrahentis [illegible]

[illegible] et [illegible]

[illegible] condicione [illegible] debet [illegible]

[illegible] monitionis et stipulationis et [illegible]

[illegible]

[illegible]

[illegible] ~~[illegible]~~

[illegible]

[illegible] subnexa et ab [illegible]

~~[illegible]~~ [illegible] in [illegible]

[illegible] ~~[illegible]~~

[illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~

[illegible] ~~[illegible]~~ [illegible] Bona ~~[illegible]~~

[illegible] uti Bona ~~obliga~~ obligatione [illegible] ad eius

ut ex [illegible] [illegible] [illegible] paret

[illegible] ~~[illegible]~~

[illegible] [illegible] [illegible] [illegible] [illegible]

~~[illegible]~~ ~~[illegible]~~

~~[illegible]~~ [illegible] anteriores [illegible]

~~[illegible]~~ ~~[illegible]~~ [illegible]

[illegible] probatione indiget [illegible]

[illegible] de [illegible] alicuius [illegible]

[illegible] ~~[illegible]~~ [illegible]

Inde

Quo [illegible] [illegible] [illegible] quod [illegible] in [illegible]

[illegible] de [illegible] [illegible]

[illegible] quod [illegible]

Inde [illegible] ~~[illegible]~~

~~Inde~~ [illegible] ~~[illegible]~~

[illegible]

[illegible]

[illegible]

[illegible] modo [illegible] [illegible] [illegible]

[illegible] et [illegible]

[illegible] [illegible] habeat [illegible]

[illegible] inceat actio de dote, et ad [illegible]

regni [illegible] et [illegible]

[illegible] [illegible] eadem [illegible]

[illegible] [illegible]

regni [illegible] actio de

dote [illegible]

[illegible] legitimos [illegible]

[illegible] a die initi Matrimonii [illegible]

in affirmatione et consensione [illegible]

[illegible] de hipothecam generalem [illegible]

[illegible] quomodo [illegible]

[illegible] et [illegible]

[illegible]

quae in ipotheca [illegible] ad contrahendum [illegible]

[illegible] ad contrahendum [illegible]

in [illegible] instabilis [illegible] in [illegible]

[illegible] in tribunal [illegible]

Catholici [illegible] conditione [illegible]

[illegible]

[illegible] et [illegible]rationis contractus: [illegible]
matrimonij
[illegible] contractus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] conditio [illegible] advenit [illegible]

[illegible] quod et eadem [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible].
a die initi eius matrimonij
[illegible] [illegible] [illegible] in bonis [illegible] ~~[illegible]~~
~~[illegible]~~ [illegible] eius mariti [illegible] [illegible]
[illegible] a lege ei inducta habere [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], quod [illegible] [illegible] [illegible]
omnino bonis
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] tandem [illegible] [illegible] [illegible] [illegible]
matrimonii [illegible] quos vindicaret [illegible] in favorem
[illegible] [illegible] ~~et~~ in bonis eiusdem [illegible]
~~[illegible]~~ mariti [illegible] contrahentem ~~[illegible]~~
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in favorem [illegible] ~~[illegible]~~
~~[illegible]~~ [illegible] [illegible] in [illegible] [illegible]
[illegible] conditione [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] conditionis adimplete, sed ad [illegible]
[illegible] simulationis [illegible] [illegible] [illegible] [illegible] tempore
[illegible]

contracti matrimonii sive constitutione [illegible]

[illegible] ... est [illegible]

... et [illegible]

[illegible]

[illegible] quod qui [illegible]

[illegible] 1929 ... actio tamen, quae [illegible]

Item ... [illegible]

[illegible] nodo [illegible]

[illegible]

[illegible] Bilarde [illegible]

in domo ejusdem [illegible]

et ex post [illegible]

[illegible] venit [illegible]

[illegible] modo in [illegible]

[illegible] erant [illegible] ut est notorium [illegible]

[illegible] in [illegible]

[illegible]

[illegible]

[illegible] alternativam,

[illegible] in [illegible] contentas

[illegible] laxationis [illegible]

[illegible] consequi [illegible]

[illegible]

[illegible] conditione [illegible]

[illegible] et [illegible]

[illegible]

[illegible]
[illegible] dato [illegible]
[illegible] noctem existentius, [illegible] in [illegible] interiora
[illegible] ~~[illegible]~~ de [illegible] ~~[illegible]~~ [illegible]
[illegible] heredes [illegible], non est qui non videat, [illegible]
[illegible] une [illegible], et [illegible] ea [illegible]
[illegible], [illegible] ~~[illegible]~~ [illegible] [illegible]
[illegible]
[illegible]

[illegible] sibi ipsi [illegible] particulare

[illegible] [illegible]

[illegible] de profundo, et cor appellat; nunc de

de eodem [illegible] tenent; et ultime [illegible]

[illegible]

adstipulatem, adlerata [illegible]

[illegible]

[illegible]

[illegible] ab [illegible]

[illegible]

[illegible] de [illegible]

[illegible]

[illegible] [illegible] [illegible] imaginare [illegible]

[illegible]

[illegible] Gregorine [illegible]

[illegible]

a [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

unde stare et obtemperare debet procul dubio
et propterea declarandum venit bene appellatum, et
male iudicatum, pertinet ad ulterius ~~ulterius~~ Eiusmodi
negotium rigore eiusdemmet statuti in processu
editi, in qua instantia deberisset coram Potestati
et Iuriatis dicti Coisi tractari, quod ad praesens
neglectum, utique male; quocirca D. Sebastianus
deductis in processu, utque modo inserendo atque
ex abundanti iura tenoris quorum praesentando aio
ea rehabendum facto registro, petit ut supra
declarari male iudicatum, et bene appellatum,
et in melius reformata eadem sententia
confirmari eius mandatum una cum conditionibus
quomodo modo controversi a coi ~~appositis~~ novissime
[illegible]
potestatis

Ill.mo S.r S.r Coll.mo

La mag.ca Regola, et Università di Valle La[illegible], et si troua hauere certa lite con m.o Toldo [illegible] di Val del [illegible] come nell'informatione, che si manda cō questo a' piedi a' V.S. Ill.ma; si compiacerà legger l'informatione, et poi il processo, auisando che la comparsa, et termine sarà per sabbo venir. pss. saranno li 16, corrente. La Regola per questo suo primo termine per il latore [illegible] manda a' V.S. Ill.ma del suo Latticinio una [illegible], et gli raccomanda la causa, et riuerentemente baccia le mani;

Di Valle li 13, 8bre 1555.

Di V.S. Ill.ma Serua